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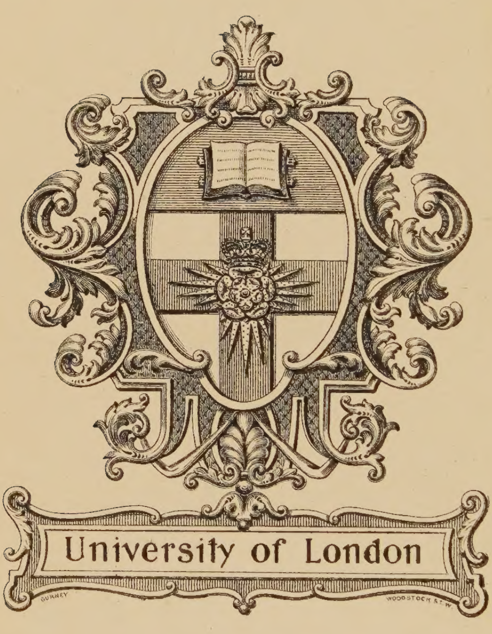
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THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. V.

COMPRISING THE PERIOD
FROM
THE FIFTEENTH DAY OF MAY
TO
THE TWELFTH DAY OF JULY
1805.

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ADVERTISEMENT.

THE volume on which the reader is here entering closes the session of 1804-5. In the Appendix will be found the Reports, entire, of the Select and Secret Committees upon the 10th and 11th Reports of the Commissioners of Naval Enquiry; documents preserved, as the Editor believes, in no other work. To these are added the Accounts relating to the resources of the nation; being a regular continuation of the series to be found in the First and Second Volumes of this work. These Documents are, of course, exact copies of those laid before parliament; but they will be found in no other publication, and the Editor is certain that they will prove eminently useful and convenient to the reader; to whom, indeed, if his attention be seriously turned to subjects of Political Economy, they are indispensably necessary.—It is hoped, that this will be thought not an improper occasion for the Editor to remind his readers of the promise which, at the outset of the work, he made, of rescuing the Proceedings of the British Parliament from the disgrace of a slovenly and unintelligible mode of publication—a promise, which he flatters himself he shall be regarded as having fully performed.

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COBBETT'S
Parliamentary Debates,

During the Third Session of the Second Parliament of the United
Kingdom of Great Britain and Ireland, and of the Kingdom of
Great Britain the Nineteenth, appointed to meet at Westminster,
the Fourth Day of September, 1804, and from thence continued,
by several Prorogations, to the Fifteenth Day of January,
in the Forty-fifth Year of the Reign of King GEORGE
the Third, Annoque Domini 1805.

HOUSE OF LORDS.

Wednesday, May 15.

[MINUTES.] On the motion of the earl of Darnley, the order for summoning the house to-morrow on his motion relative to the navy was discharged. He stated as his reason for postponing the business, the recent circumstances which had occurred in the naval department, and the inconvenience which both noble lords on the other side and some of his own friends would feel in entering into the debate to-morrow. He should renew his notice in the course of next week.—The earl of Suffolk gave notice of his intention to submit to the house a motion relative to the state of Ireland. This he felt it his duty to do, in consequence of the contradictory averments made by noble lords on that subject, when an important question concerning the Roman catholics of that country was under discussion two nights ago. That due time might be given to consider the business, he should fix so distant a day as this day fortnight for bringing forward his motion. Some of the ministerial lords having come in, the noble earl added, that the object of his motion should be for an address to his majesty, praying that he would be pleased to appoint commissioners to go over to Ireland, to investigate into the state of that country, and to report to their lordships. His lordship then proceeded to read a passage from lord Bacon, which he thought applicable to the case. He was then called to order by the lord chancellor, but persisted in his right to proceed, and concluded by moving, "that the lords be summoned for this day fortnight."—Ordered.

[CONDUCT OF JUDGE FOX.] Lord *Auckland*, after a few introductory observations, expressive of the opinion which he had frequently stated in the house, that the proceedings which obtained last session in the case of Mr. Justice Fox were incontestibly irregular, moved, "that the entry upon the journals, of the 5th of July, 1804, relative to the matters alledged in charge against Mr. Justice Fox be vacated."

The *Lord Chancellor* expressed his entire concurrence in this motion of his noble friend, and after some conversation had taken place between these peers, on the general subject of the case of Mr. Justice Fox, in which the former expressed his opinion, that the proceedings began *de novo*, in the present session, the question was put, and the erasure accordingly ordered to be made.

The *Lord Chancellor* then rose, to propose the resolution, of which he had given notice some time since, as declaratory of the general principle upon which the house had hitherto proceeded in the case of Mr. Justice Fox. It was important that some principle of this kind should be authoritatively laid down, as well with reference to the character of the house, and to the ends of individual and public justice, as to the precedent which the case may form, for the future direction of the house on similar occasions. The effect of the resolution, proposed by the noble and learned lord, was declaratory of its having been the object of the house, in its proceedings hitherto relative to the matters alledged in charge against the hon. Luke Fox, one of his majesty's judges, &c. was to enable the house to form an opinion, whether sufficient matter obtained therein, to ground a vote for an address to his majesty, to remove the said Luke Fox from his judicial situation.—On this proposition, to which lord Auckland, under the circumstances of the case, signified his assent, some farther conversation took place between his lordship and the noble and learned lord, in which both these peers recapitulated several of the opinions they had hitherto advanced upon the subject. The resolution was at length agreed to by the house.

The *Lord Chancellor* resumed the subject, He adverted to the situation in which the case stood, and the propriety, in every point of view, of their lordships coming to a decision upon the case as soon as its nature would admit. He alluded to the very proper manner in which the learned gentleman, who was the subject of the discussion, had conducted himself, and to his delicacy in forbearing on many occasions to exercise his judicial functions. The mode hitherto adopted, a line of proceeding, which, from the best principles, referring either to the dignity and character of the house, the interests of the parties concerned, and the end of substantial justice he had concurred in, was necessarily attended with considerable expence to the individuals; and, as the case stood, not likely to accelerate the attainment of the objects they all had in view, a speedy dispensation of justice. After some further observations to this effect, his lordship said he should propose, that the proceedings of the committee, to whom the matter in charge, petitions, &c. had been referred, should be discontinued, and, of course, that the orders made respecting the same should be discharged. The noble lord accordingly moved to this effect. After a few remarks from lord Auckland, relative to that part of the proceedings, the motions were se[illegible] agreed to by the house.

The *Lord Chancellor* continued his observations upon the case, and dwelt upon the propriety, under the circumstances, of their lordships coming to a decision upon it, as soon as they consistently could. He particularly referred to the situation in which the learned gentleman, who was the object of accusation, stood. Independently of the great expence and inconvenience which must unavoidably result to him, his honour and character were at stake. It might have been more conducive to the objects he had referred to, were the accused brought directly before the house, in the first instance. Under the conviction which he then felt, and for the attainment of those ends, which were evidently the objects of all their lordships, he should propose that, "on Tuesday next, the house should go into a committee, to consider of the matters alleged in charge against Mr. Justice Fox; and, under the principle he had repeatedly adverted to, for the purpose of considering whether, in the course of the investigation, there appeared in proof, sufficient matter to ground an address to his majesty, for the removal of the said judge." This proposition seemed to meet the concurrence of

Lord *Auckland*, who, under the principles he had already stated, as determining his mind upon the subject, particularly with reference to the existing statutes, and, he conceived, as a corollary, flowing incontestibly from what his learned friend proposed, expressed his intention, after the noble and learned lord's motion should be disposed of, to move, that if, in the course of the enquiry, by the committee of the whole house, any matters of high crime and misdemeanour should come out in proof, the same should not be therein proceeded in, but left to the course pointed out by the law, and the ordinary practice of the house in such occasions.

The *Lord Chancellor*, on the question being put on his proposition, which was agreed to by the house, expressed his disapprobation of what was proposed by his noble friend; in the then situation of the case, he considered it as premature and unnecessary: did charges of the nature adverted to appear in proof, it would be then time enough to bring forward such a motion.

Lord *Auckland* shortly answered for the propriety of what he proposed, and which he concluded in the shape of a motion.

The *Lord Chancellor*, after repeating some of his objections, said, he thought the best way would be to put the previous question upon his noble friend's motion. A conversation ensued, in which earl Spencer, lord Mulgrave, viscount Carleton, and the earl of Suffolk, participated; in the course of which the learned viscount supported, generally, what fell from the noble lord on the woolsack.

Lord *Mulgrave* expressed his opinion,

that, instead of the previous question being put, the noble lord's proposition should be negatived; it seemed the general sense of their lordships that the matter which formed the subject of the present consideration should be decided upon as soon as possible; but fears were entertained by some that it could not be got through this session.

Lord *Auckland* explained; after which, his motion was, by general consent, disposed of in a way tantamount to its being withdrawn.

[UNIVERSITIES ADVOWSON BILL.] The order of the day for the third reading of this bill being read,

Lord *Sidmouth* rose, and repeated his objections to the present measure. He described the provisions of the clause, which some time since he had given notice of his intention to propose, and also given an outline, for the information of their lordships. The introduction of this clause he deemed necessary to modify the bill, and to counteract, in some degree, those injurious effects which he feared would proceed from the measure. The gist of the noble viscount's clause was to prohibit the universities from purchasing any new advowsons until they had augmented the smaller livings at present in their disposal, to the value of 250l. per annum each; and which his lordship proposed in the way of rider.

The Bishop of *Oxford* strongly opposed the noble viscount's clause, it would go to counteract the present measure; and he remarked upon the disadvantage of discussing so important a proposition upon the very last stage of a bill, which had been two months before the house. If his lordship was determined to persevere, he would recommend him to do it, by a separate bill.

The Earl of *Suffolk* took the opportunity to recommend forcibly the distressed situation of the poorer clergy, to the attention of their lordships.

The Bishop of *St. Asaph* offered some forcible objections to the clause, which, he argued, would defeat the bill, as well as prove inefficient as to its own objects.

The Earl of *Westmoreland* supported some of the objections of the rev. prelate.

The *Lord Chancellor* delivered his sentiments, and concluded by moving a slight amendment with respect to the local operation of the clause, which was agreed to by the house.—Some further conversation on the subject took place, after which their lordships divided upon the amended clause; when there appeared, for its introduction, 9, against it 9. This equality of numbers, according to the rules of the house, proved fatal to the clause, which was, therefore, rejected.—Adjourned.

HOUSE OF LORDS.

Thursday, May 16.

[MINUTES.] Sir J. Stewart, accompanied by several members, brought up a message from the house of commons, in purport requesting, that the earl of St. Vincent be permitted to attend on the select committee of that house, to whom the consideration of the case of sir Home Popham, bart. is referred. On the motion of lord Hawkesbury, it was ordered to be communicated to the messengers, that their lordships would send an answer by messengers of their own; which was accordingly done by the lord chancellor.—Several private bills were brought up from the commons, which were severally read a first time.—The bills upon the table were read in their several stages.

[LOCAL OATHS' BILL.] The order of the day for the second reading of a bill introduced by the earl of Radnor, "for enabling bodies corporate, in the cases and under the restrictions therein contained, to obtain the correction of local oaths, administered by the said bodies corporate," being read, the bill was accordingly read a second time.

Lord *Hawkesbury* felt it proper to oppose the further progress of the bill. What their lordships would do, were they to pass the bill in question, would be to enact a general law for a particular case; a principle which he must always object to. If any particular corporation, or body of men, felt themselves aggrieved or inconvenienced by the mode in which the oaths they were obliged to take were dictated, let them come to parliament, state the specific grievance, and what they conceived to be a reasonable remedy, and he was willing to pay every attention to it; but to a general law, such as the present bill went to enact, in consequence of some difficulties experienced, or objections entertained, to the form of their oaths, by the corporation of a particular place, was what he could not consent to. He should therefore resist the further progress of the bill.

The Earl of *Radnor* defended the grounds on which he brought forward the measure and adverted to some cases in which a correction or alteration of the oaths was evidently necessary. It had been his duty, in an office which he had the honour to hold, to administer the oaths to certain members of a corporation, parts of which were positive nonsense, and other parts inconsistent with, or contradictory to each other; these were referred to by the noble earl, and created some risibility among their lordships. There was every proper caution adopted in the provisions of the bill, to prevent any improper use being made of it. The intervention of the judges of assize was required by the bill, and, after these, the lord chancellor was recurred to, as checks and controls with respect to proceedings under the authority of the bill; at the same time, his lordship did not seem willing to press the bill.

The *Lord Chancellor* was willing to allow his noble friend every credit, as to the purity of his motives in coming forward; and the object, which was good in itself, was endeavoured to be attained by the purest means, but, with his noble friend who first spoke, he rather disapproved of enacting a general law, when a remedy was called for on the part only of a particular place. He thought the mode of application, under the circumstances of the particular case, for redress to the crown, would be a preferable mode to that prescribed by the bill, as well as readier and more unexceptionable mode. Upon the whole, he would beg leave to recommend his noble friend to withdraw the bill.

The Earl of *Radnor* spoke shortly in explanation; after which the lord chancellor moved, "that the bill be committed this day three months," which was ordered accordingly; and, in consequence, the bill is lost for the present session.—Adjourned.

HOUSE OF COMMONS.

Thursday, May 16.

[MINUTES.] Mr. Leycester reported from the select committee, to whom the tenth report of the commissioners of naval enquiry (respecting the office of the treasurer of his majesty's navy) is referred, to enquire into the application of any monies issued to the treasurer of the navy for naval services to purposes not naval, and whether any and what representations were made to the lords commissioners of his majesty's treasury, or the chancellor of the exchequer, respecting the withdrawing from the bank any sums of money so issued since the passing of the act of 25 Geo. III. c. 31; and also, into the proceedings had for the recovery of the debt due to the crown by the late Adam Jellicoe; that the committee had directed him to report to the house, "that, upon a full consideration of the restrictions and limitations contained in the minutes of conference, it does not appear to the committee that they can effectually or satisfactorily proceed to the examination of lord viscount Melville for the purposes of the enquiry referred to them, without trenching upon the regulations under which lord viscount Melville has been permitted to come before them;" and he read the report in his place, and afterwards delivered it in at the table, where the same was read. Ordered, that the said report do lie upon the table.—Sir J. Stewart moved, that a message might be sent to the lords, requesting permission for lord St. Vincent to attend the committee appointed to take into consideration the repairs of the Romney and Sensible, while under the orders of sir Home Popham. Ordered.—Mr. Huskisson, pursuant to notice, moved for the appointment of a committee to consider how far it may be expedient to allow coals to a limited extent to be brought to London by the grand Junction and Paddington Canals, upon payment of the same rates and duties as are now paid on coals brought to the city of London coastways. A conversation ensued, in which Mr. Burdon desired the house to be on their guard against any measure of this nature in which the committee of management of the canals was interested, as also against any interference with a trade which formed so great a nursery for seamen. Sir M.W. Ridley declared that the proposed measure would strike at the root of a trade upon which the employment and support of the 100,000 seamen, that were now fighting the battles of their country, would on the return of peace in a great measure depend; and Mr. Curwen expressed a wish that as the subject was of importance, a sufficient time would be given to consider it maturely. The committee was then appointed.—Admiral Markham, pursuant to notice, submitted a string of motions, relative to the state and strength of the navy, the state of the dock-yards, of the stores in the naval arsenals, the number and tonnage of his majesty's navy, the number of ships built in his majesty's yards and in private yards, the number of ships captured from the enemy, the expence of prime cost and repairs of a ship of the line, together with a variety of other details, connected with the naval department during the administration of lord St. Vincent and since; all which were agreed to with the exception of one, "for a copy of the contract or agreement entered into by the navy board with John Larkin, for a supply of foreign timber, dated 15th of May, 1804;" which, on the suggestion of the Chancellor of the Exchequer was withdrawn, to prevent the disclosure of the sources whence the supply of timber for the British navy was derived, with an understandingg, however, that if it should be found necessary, the motion might hereafter be renewed.—Mr. Johnstone moved for an account of the sums received from the sale of old stores, and as droits of admiralty, which he conceived to be applicable to public purposes, and amounted to about 100,000l. from the 1st Jan. 1803, to the latest period the same could be made out, together with the application of the same. The account was ordered, after an observation from the chancellor of the exchequer, that these sums were not by law available to any purposes of the public expenditure.—Lord Henry Petty stated, that, from circumstances which had not depended on himself, he found himself under a necessity of postponing the motion of which he had given notice for tomorrow, relative to the places held by lord Melville in Scotland; from the advanced period of the session, he thought it likely that he should not bring forward that motion this session, but this delay was not to be looked upon as any abandonment of his object.—A petition of Daniel Delisle Brock, esq. one of the jurats of the royal court of the island of Guernsey, on behalf of himself, and also as the deputy in this behalf specially appointed by the states of the said island, at a meeting of the said states on the 2d day of January last, was presented to the house, and read; taking notice of the bill for the more effectual prevention of smuggling; and setting forth, "that the provisions of the said bill, if passed into a law, and enforced in the said island, will in many particulars prove highly oppressive and injurious to the people of the said island; and therefore praying, in behalf of himself and of the states and people of the said island, that he and they may be heard, by their counsel, agents, and witnesses, against such parts of the said bill as may affect the said island of Guernsey; and that the same may not pass into a law, as it now stands." Ordered, that the said petition be referred to the consideration of the committee of the whole house to whom the said bill is recommitted; and that the petitioner be heard, by his counsel, agents, and witnesses, before the said committee, upon his petition, if he thinks fit.—Mr. Loveden, pursuant to notice, after stating that the amount of unclaimed dividends on the public funds, at the bank of England and south-sea house, was 800,000l. sterling, moved, that there be laid before the house an account of the amount of dividends on public funds at the bank and south-sea house, receivable on or before the 1st of Oct. 1800, and 1802, respectively, and which remained unclaimed on the 31st of Dec. following. Also, a list of the names of such proprietors of property in the public funds, at the bank of England, or the south-sea house, on which dividends are due, and now unclaimed. Ordered.

[PETITION OF THE COUNTY OF SURREY RELATING TO THE 10th NAVAL REPORT.] A petition of the gentlemen, clergy, and freeholders, of the county of Surrey, was presented to the house, by lord W. Russell, and read; setting forth, "that the petitioners beg leave to express their unfeigned gratitude to the house for the measures they have taken towards detecting, and bringing to justice, those servants of the crown who have broken the law, violated their trust, and used the public money for purposes of private emolument and ambition, and they implore the house not to desist from the prosecution of those inquiries which they have so honourably and so successfully begun; and they intreat the house to bear in mind how patiently the people of England have sustained the immense burthens imposed upon them, the sufferings they have endured, and are now enduring, the enormously advanced prices of the necessaries of life, and, above all, their generous, unsuspecting confidence at all times in those in whose hands the earnings of their industry were deposited; and that, thankful as the petitioners are to the house for having recorded upon their journals the flagrant breaches of trust committed by unfaithful servants, they beg leave most humbly to represent to the house the necessity of guarding against a repetition of similar frauds, peculations, and abuses; and that the petitioners, therefore, entreat the house to investigate thoroughly not only the remaining articles contained in the tenth report of the commissioners of naval enquiry, but also the suspicious matters brought forward in their eleventh report, and likewise every other irregularity which may hereafter be discovered by any further reports of the said commissioners; and that they will also institute similar inquiries into the expenditure of every other branch of the executive government; and that in the progress of these important investigations, which the expectations of the people require to be rigorously and impartially pursued, the petitioners are persuaded, that the house acting up to the spirit of their resolutions of the 8th and 10th of April, will follow no other counsels than those which shall be dictated by their own integrity and discernment; and they hope that the detection of men, who are now found to have been in the constant habits of misapplying the public money, will warn the house not to rely too much upon the specious professions of their colleagues for the punishment of offences, through which they have themselves derived a corrupt support to their own power; and that the petitioners trust, rather, the period is at length come at which the representatives of the people, returning to the examples and the maxims of former times, will shew themselves determined to pursue hereafter a system of vigilance and jealousy, instead of reposing an implicit and indiscriminate confidence in the advisers of the crown."

[PETITION OF THE CITY OF YORK RELATING TO THE 10th NAVAL REPORT.] A petition of the inhabitants of the city of York, convened, pursuant to request, by the right honourable the lord mayor, and assembled in the Guildhall of the said City, on Monday the 13th day of May, 1805, was presented to the house, by Mr. L. Dundas, and read; setting forth, "that the petitioners feel the deepest gratitude to the house for its patriotic votes on the 8th and 10th days of April last, founded on the tenth report of the commissioners of naval enquiry; the one declaring lord viscount Melville to be guilty of a gross violation of the laws, and a high breach of his public duty; and the other ordering such resolution to be laid at the foot of the throne, the whole house attending; the petitioners are convinced that no act of any branch of the legislature has ever been received with more satisfaction by the people of this country than the said votes; and they are further convinced that nothing can possibly be a greater disappointment to the people than any remission in the house, of the vigorous and necessary efforts with which they have thus commenced the career of public justice; and that the faithful and dignified discharge of the powers vested in the commissioners of naval enquiry, their indefatigable industry, their resolute perseverance, their unexampled fortitude, and their incorruptible integrity, have demanded and have obtained the admiration and applause of the whole nation; and a continuance at least, if not an extension of the powers vested in them, and also a general enquiry into the conduct of every other department of finance, are essentially requisite to the prosperity of the British empire; and the petitioners anxiously request of the house, that whenever hereafter this subject may come before them, they will fix their attention on the obstructions to full enquiry, so evidently pointed out in the said tenth report of the naval commissioners; and they intreat the house that they will, in the institution of other enquiries into the public expenditure, take especial care that the power they shall delegate be equal to its object, both as referring to the facility of enquiry and to the integrity of those to whom enquiry shall be committed; for the petitioners submit to the house whether any thing short thereof will not be deemed illusive and unavailing, and rather contribute to the continuation than the prevention of future abuse and peculation; and that on all these matters the petitioners request the house steadily to pursue what they have with so much honour begun, and not to relax their efforts till guilt, wherever it exists, shall be pursued to detection, and till exemplary and deserved punishment shall have overtaken, as well those who have themselves been fraudulent, as those who have connived at fraud."

[CONTINENTAL CONNEXIONS.] Mr. *Grey* rose for the purpose of putting a question to the right hon. the chancellor of the exchequer on a subject of great public interest. On the first day of the session it had been announced to the house in the speech from the throne, that a pacific overture had been received from France, to which his majesty had declined giving any direct answer till he should consult certain powers on the continent, and particularly Russia, with which he maintained relations of amity and confidential intercourse. Since that, the right hon. gent. had stated to the house, on the day on which he brought forward the ways and means of the year, the probability of important co-operation on the continent, for which he then made a provision. A considerable interval had since elapsed, yet no communication had been made to parliament on the subject. He had abstained hitherto from calling for any information, for the purpose of giving his majesty's ministers sufficient time to decide upon the nature of the communication they might deem expedient to make. He did not then press for an answer, nor wish to embarrass his majesty's ministers, but considering the very advanced period of the session, and the satisfaction some certain information on the subject would afford the house, he trusted some communication would be made before the close of the session.

The *Chancellor of the Exchequer* assured the house, that, whenever his majesty's government should be enabled to advise his majesty to make such communication, they would avail themselves of the earliest opportunity of doing so. But certainly the communications between his majesty and these powers, were not at present such as to enable him to state any thing with precision, and he was sure the hon. gent. would not expect from him, under such circumstances, to make any direct reply as matter of opinion or conjecture.

Mr. *Fox* thought the right hon. gent. might at least have stated, whether there was any reasonable hope, that a communication would be made during the present session.

The *Chancellor of the Exchequer* had stated to the house, that the present state of the communications between his majesty's government and the continent, was not such as to enable him to make any communication on the subject with certainty; and that it could not be expected from him to advance any thing upon conjecture.

Mr. *Fox* observed, that the right hon. gent. seemed to lay much stress on the word "certainty." Though he might not at present be able to make any precise communication, he might in some time. What that communication might be, he did not take upon him to say. His hon. friend had adverted to the advanced period of the session, and the importance of having some information on this subject previous to their separation. Though the right hon. gent. might not, in the present instance, be able to state any thing with certainty, he might at least inform the house, whether they might entertain a reasonable hope of such a communication during the session?—To this no reply was given.

[MILITARY COMMISSIONERS' BILL.] The house having resolved itself into a committee on the bill for appointing commissioners to enquire into the abuses in the military expenditure of the country,

The *Chancellor of the Exchequer* said, that both in the general plan of the bill, and the names of the persons selected for its execution, he had thought proper to follow the example of the appointment of commissioners of accounts, instituted in the year 1782, and whose report was productive of so much benefit, and afforded such general satisfaction. It must be obvious to the house, that in the description of the persons to be appointed on such an important duty, it was necessary to have persons every way qualified for the various branches it would embrace. It would be indispensably necessary to have persons intimately acquainted with all the details of the service of the army, persons equally conversant with civil economy, persons who understood the laws as they apply to them, and lastly, persons eminent in the mercantile line. In this selection, he had studiously avoided the names of any persons who could be liable to any imputation of party, or of political connexions. Some of them were personally altogether unknown to him, and he judged of them solely by what he knew or understood of their characters and qualifications. For the military details, he should mention an officer who served with high character under generals Abercrombie, sir Charles Stuart, and others, with great distinction in that particular department, major-general Oakes, and with him colonel Beckwith, of the Guards, whose qualifications could not be disputed. For the civil economy, he was induced to propose lieutenant-general Drinkwater, who, after a long and meritorious professional life, had now retired from active service. For the legal part, he should mention Mr. Cox, one of the masters in chancery, and Mr. Cumming. For mercantile judgment, Mr. Peters and Mr. Charles Bosanquet. In mentioning these gentlemen, he spoke of them in terms of the highest encomium; and their names were put from the chair, and agreed to unanimously.

In reading the bill, when the chairman came to the powers vested in the commissioners appointed to carry it into execution, the words in the bill are, "that they shall enquire into all abuses that do exist within the said departments."

Mr. *Giles* said, he thought these words did not afford sufficient scope to the commissioners, as they only went to prevent abuses existing at this moment, and not to such as have previously existed. He would, therefore, move, that the following words be added as an amendment; that the words "have existed" be introduced before "do exist," by which it would run thus; "that they shall enquire into all abuses that may have existed, or that do exist." These were the words of the act appointing the naval commissioners; and they had produced so much benefit to the public by their enquiry and reports thereon, that he thought this act could not be worded too nearly like that.

Mr. *Rose* thought if the amendment was adopted, it would oblige the commissioners to go very far back, indeed, and to some circumstances which called for investigation. There was one in particular which stood upon very distinct ground from all the rest, namely, the arrears of balances in the hands of the late lord Holland, by which the public has sustained a very considerable loss. No less a sum than half a million of money remained in his hands unaccounted for, for eight years after he had quitted his office, until he died, and afterwards in the hands of his executors for 14 years; a sum which, had it been laid out in government securities, would, at compound interest, have doubled itself in the time; so that, in fact, although a great part of the arrear of principal had been cleared off, shortly after the expiration of 14 years, yet the public actually lost by that transaction half a million, the interest which might have been gained had the sum in arrear been paid into the treasury upon lord Holland's retirement from office. It had been said on a former night, that in appropriating the interest of this money to their own use, lord Holland, or his executors, had violated no statute; but he really could not conceive how any man could wrap himself up in his integrity, and say, while he was receiving that money, which he knew of right belonged to the public, that he was guilty of no impropriety, because he was not violating a positive law. He really meant nothing personal to the hon. gent. (Mr. Fox) opposite to him; but he thought it right the committee should have in view the subjects to which it was likely the investigation of this commission would be directed; but that hon. gent. was an executor of the late lord Holland, and, together with a gallant officer, his brother, and his nephew, then a minor, the persons who shared the profits arising from the sum in arrear for so many years after lord Holland's death. He reminded the house of these circumstances merely to shew, that where so considerable a loss as half a million had actually been sustained by the public, no imputation of criminality whatever was allowed to attach to the persons who shared in the profits of that transaction; while, in the case of lord Melville, lately before the house, though not one shilling of loss was sustained by the public in any of the transactions with which the name of that noble lord was implicated, yet every degree of odium and condemnation was cast upon him.

Mr. *Fox* was very willing to believe the right hon. gent. could mean nothing personal to himself; but he begged to observe, that as the subject alluded to by the right hon. gent. had been laid before, and fully investigated by the former commissioners of accounts, who had reported their opinion to the house thereon, he should have thought the business then finally closed, and that it would be rather odd now to appoint new commissioners again to consider that subject, and to enquire into the conduct of the former commissioners. As to himself, he was free to acknowledge he had been appointed one of the executors to the will of his late father, but so soon as he learned that there was such an arrear, he himself, for motives now not necessary to explain, had declined to act as an executor any longer. He would not pretend to say that the person on whom that office devolved, had not derived any considerable emoluments from the money in hand, or had been guilty of any misconduct, yet he would assure the right hon. gent. that he had never received one shilling of those profits. He had attended before the former commissioners of accounts, and was ready to do so before the present, if required; nor had he any objection to the fullest enquiry; and he was convinced, the gallant officer, his relation, now lieutenant-governor of Gibraltar, would be ready to give every satisfaction to the same effect, and to shew he never received a shilling.

Mr. *Rose* answered, he most religiously believed what the hon. member now said, but till now he always understood that the hon. member, the gallant officer his relation, and the minor his nephew, were the persons who received the whole of the emoluments arising from the half million, as the legatees of the late lord Holland, and the hon. gent. was himself the acting executor.

Mr. *Fox* explained, that his father, after some legacies to his brother and himself, had appointed his mother residuary legatee to his personal estate; that his mother, who died in a few weeks after, had made him her executor, and bequeathed her part of his father's legacy to the gallant officer, to himself, and to his nephew. But as no part of the legacy could accrue to his mother's right, nor to his own, until all the debts of his father, and more especially this arrear, was cleared off, the whole of lord Holland's personal effects had been paid over to the new executors for the purpose, and not one sixpence had been received by himself or the other legatees to this hour.

Mr. *George Ponsonby* said, he was quite sure the right hon. gent. was perfectly sincere when he professed to mean nothing personal to his hon. friend, in revising the subject of lord Holland's arrears. From the tenor of the right hon. gent.'s speech, the committee must be perfectly convinced he could not mean any thing personal to his hon. friend. It must be equally obvious that the right hon. member had not introduced the subject with any view whatever to vindicate the character of lord Melville from those censures which parliament had unfortunately thought proper to cast upon his conduct. No such thing! And so convinced was he of the perfect purity and disinterestedness of the right hon. gent.'s intentions in both cases, that he relied upon it just as implicitly in the one instance as in the other. He believed the one statement exactly as much as he did the other!

The *Chancellor of the Exchequer* felt himself called upon to repeat, that as far as he had been able to discover, the public had not suffered the smallest loss from the conduct of lord Melville. With regard to the transaction which had been alluded to (lord Holland's accounts) it would certainly be unfair to try it now by rules which had been established since that time. There was at that time a prevailing custom which in some measure justified the conduct of that nobleman, and if he was unwilling to reflect severely on the living, much less was he disposed to reflect on the memory of those who are no more. The proceedings which he now wished to institute were for remedial, and not vindictive purposes. He himself conceived the only true and fair object of the enquiry to be, the detection of any abuses that really do exist, with a view to the adoption of remedial measures, and the prevention in future of such abuses; but he appealed to the candour of the committee, whether such a bill as the amendment proposed by the hon. gent. would render the present bill, namely, a bill to enquire retrospectively into the whole expenditure of the army for a series of years past, without any charge of criminality, any allegations against any individual in any department, or any allegation that any proof whatever existed of criminality or misconduct any where, but merely with a view to seek out for causes of complaint, or trifling charges of irregularity. He would not pretend to say no irregularity had occurred, no defalcations or frauds had taken place, in the enormous expenditure of a great nation like this, during the course of a very expensive and wide-extended war. The utmost stretch of the most consummate talents, occupied in the management of public affairs, could not, by any exertion of vigilance of which man is capable, prevent the occurrence of some irregularities. But what men of character and talents, with any feelings of sensibility or honour, could be tempted by any emoluments, however high, attached to any situation, to undertake important departments, if they are to apprehend that at the end of ten, fifteen, or twenty years, the whole of their accounts and official proceedings are to be ransacked, in order to search for causes of complaint for misconduct or iregularity; after numberless circumstances, material to their vindication, are effaced from memory, and many of the most material witnesses no longer in existence? He thought, therefore, enquiry into the past, to any remote period, was wholly useless in any remedial point of view; and that it was only to existing abuses that enquiry should be directed, in order to present remedy and future prevention.

Mr. *Whitbread* said, it was well known to the right hon. gent. that the powers of the commissioners of naval enquiry were retrospective; if they had not been so, they would not have produced that report, which was undoubtedly of the first importance to the public. It could not be supposed that the commissioners, who were gentlemen of high character, and named by the minister himself, would be persons to represent with harshness those abuses and irregularities which really proceeded from the pressure of business, and not from corrupt motives. Those persons who had acted with honest motives, had nothing to fear from an enquiry, and those who had not, were in his opinion objects for censure and punishment. The right hon. gent. was mistaken when he said there was no allegation or surmise that could warrant such an enquiry. There were strong surmises and suspicions, that in many of the military departments, and particularly in the barrack department, gross abuses had existed.

Mr. *Grey* thought the course which was most remedial of existing abuses, was the punishment of corrupt delinquents, in order that their example might serve as a warning to prevent others from committing the like offences. He wondered that the hon. gent. (Mr. Rose) who had been so long in office, and who now professed himself such an enemy to abuses, had not sooner brought forward the consideration of the transaction to which he had alluded.

Mr. *Rose* said, the account of the late lord Holland was still open, and the balance was not yet paid. He never wished to screen delinquents, and when he voted for a committee to enquire into the conduct of lord Melville before they pronounced him guilty, he had voted for that which would have thrown the greatest light upon the transaction, and which would have given the house the benefit of lord Melville's examination, which they had not at present.

Mr. *Fox* said that although it was unpleasant for him to be obliged to speak upon the subject, it was but fair to state that lord Holland's account was nearly closed, and the balance, which was now but small, bore an interest. It might be trusted to the discretion of the commissioners to report on past abuses, only as far as it appeared to them material. In the late report on the conduct of the treasurer of the navy, it had appeared that a retrospective view was necessary, even for remedial purposes; and if it had not been for this retrospective view, the tenth report would never have made its appearance.

The *Chancellor of the Exchequer* had no objection to a retrospective view of those abuses which it appeared to the commissioners material to investigate. His objection was to the obliging them by the imperative words of the clause, to spend their time in investigations that would appear to them immaterial. He was therefore disposed to acquiesce with the gentlemen on the other side of the house, in leaving this to the discretion of the commissioners. But in order to do this, he thought it necessary to alter the wording of the clause proposed, and instead of saying "they shall enquire into the abuses which now exist and *have* existed," to introduce express words that should give them this discretionary power. He therefore moved as an amendment, that these words should be added, "as far as they shall deem it necessary."

Mr. Serjeant *Best* considered the amendment to explain some reasonable limitation in point of time; and such must be the construction put upon it by any court of law, or by the commissioners.

The *Attorney-General* said, that his learned friend had mentioned no precise limitation.

Mr. *Smith* preferred using the words of the act appointing the naval commissioners, which had already been acted upon.

The *Chancellor of the Exchequer* observed, that the words "as now exist," had been proposed to be amended by the addition of "or have existed;" and proposed to amend this farther by saying "such as have existed, or shall seem proper to them to be enquired into."

Mr. *Whitbread* objected to it, as the commissioners of naval enquiry had acted with discretion under the act appointing them.

Mr. *Fox* thought experience on such subjects better than argument, and particularly in the choice of words in an act of parliament, where there was any matter of doubt. He, therefore, preferred taking the words that had been used before. He thought the act should be imperative in the first instance, to enquire into abuses where they do exist.

Sir *W. Burroughs* contended, that the words ought to be express and particular, great inquisitorial powers are entrusted to the commission; and there were not strong official grounds laid for this commission, as there was in the case of the navy.

Mr. *Fox* thought the duty of enquiry

should be made imperative; and then the discretion given respecting the examination of abuses that had taken place.

Mr. *Hiley Addington* said, that he was not at all satisfied by the arguments he had heard from the hon. gent. who spoke last (Mr. Fox). According to him, the experience of the conduct of the naval commissioners, of which no one could expect him to speak but in the most favourable terms, was enough to prove, that no other commissioners could possibly go beyond what discretion would warrant, under an imperative clause of an act of parliament. He entirely approved of the alteration proposed by his right hon. friend, and thought it a great improvement on the former act, and that it would completely answer all the same purposes. Perhaps, in giving this opinion, he might be charged with meaning to give protection to those who might be suspected of public delinquency; a charge which had been most unjustly and unwarrantably made against him, and those with whom he acted, in consequence of a vote given on a former occasion. Of that vote he had not repented; and was satisfied, with great deference to the opinion of a majority of the house, that it was a correct and a just one. The debate on that occasion had not been on the merits of the case; if it had, he should not have shrunk from giving an unreserved and explicit opinion: it was merely, whether the whole of the charges ought, or ought not, to be referred to a committee. It had appeared to him most becoming the moderation, the liberality, and the justice of the house, so to have decided; and no possible inconvenience could have resulted from it. It would have been analogous to all criminal proceedings in courts of justice, where no decision was ever taken before all the charges had been gone through, even though part of the charges had been admitted to be true by the defendant. He could not help adverting to this subject, on which he thought there had been much misrepresentation, for which there was no pretence or foundation.

Admiral *Markham* supported the amendment of Mr. Giles, and thought 1792, a reasonable period to go back to.—On a division the numbers appeared for Mr. Giles's amedments, 42; against it 90. Majority 56.

Mr. *Giles* wished to have inserted in the obligation to answer questions, the word "lawful" in order to omit the specific provision against self-crimination, which he considered as a libel on the common law. The Chancellor of the Exchequer preferred retaining the specific provision, after the example of the act of naval enquiry. The original words were allowed to stand. Mr. Giles wished some provision to compel persons in the situation of Mr. Sprat to answer. The Chancellor said every person was obliged to answer who was concerned with the public money. Mr. Grey supported Mr. Giles's proposition. Mr. Bragge Bathurst thought some provision necessary in this case. The original words were allowed to stand, and after some further conversation, the report was ordered to be received to-morrow.—Adjourned.

HOUSE OF LORDS.

Friday, May 17.

[MINUTES.] The royal assent was given, by commission, to the Irish Bank Token bill, Irish Promissory Notes, Irish Post Roads, and Scots Excise Officers bill, and to twenty-six bills of a private or local description. — Mr. Alexander presented from the commons the Land Tax Commissioners Name bill, the Property Tax Amendment bill, and the Irish First Fruits bill, which were severally read a first time.— The earl of Darnley acquainted their lordships that he should, on Friday next, bring forward the motion, of which he had formerly given notice, respecting the naval documents upon the table, and moved that the lords be summoned for that day. Ordered. — Lord Auckland observed, that very little had been done in consequence of the report of the committee of the last session, towards improving their lordships' house, and rendering the precincts thereof more commodious, save the erection of one additional fire-place. His noble and learned friend on the woolsack was far from being adequately accommodated; and the learned gent., the principal clerk, had no proper place to transact his part of the business in, except he opened his own house for that purpose. What he intended to propose was, the appointment of a committee of their lordships, under an order similar to that of last session. He then moved, "that a committee be appointed to consider of the best means of more effectually lighting and warming the house, improving the precincts thereof, and removing all nuisances in the approaches to the house." The motion was agreed to, and Thursday next fixed for the appointment of the committee. — Adjourned.

HOUSE OF COMMONS.

Friday, May 17.

[MINUTES.] A message from the lords by the deputy usher of the Black Rod required the attendance of the house at their lordships' bar, where the royal assent was given by commission to the Irish Loan act, the Irish Post Roads act, the Irish Promissory Note act, the Irish Dollar Token act, the Scotch Excise Office act, and several private acts.—On the third reading of the bill for allowing a salary to the chairman of the session of Stalford Hundred in the country of Lancaster, objections were made by sir Robert Buxton and Mr. Shaw Lefevre, on the ground that it was a bad precedent. The bill was defended by colonel Stanley and lord Stanley. The gallery was cleared for a division, and the doors remained shut for a considerable time, during which the debate continued. We believe an amendment was proposed in the committee, for on re-opening of the gallery, we found the bill was ordered to be read a third time this day se'nnight, by a majority of 49 to 38. —Lord Castlereagh, pursuant to the notice he gave last night, moved that leave be given to bring in a bill to amend and render more effectual the act for establishing and erecting public infirmaries in Ireland. His lordship was induced to make this motion from a conviction of the great inconveniency sustained by the poorer classes of people, from the distance they often were from those hospitals, and meant that the bill, among other regulations, should remedy that evil by providing for the establishment of dispensaries at proper distances. Sir John Newport wished that an accurate enquiry should be made into the mode of conducting those county hospitals, as he was convinced great abuses existed in that quarter, and that the funds were not unfrequently converted into purposes of private emolument. Leave was then granted, and a committee appointed to draw up the bill.—On the motion of lord Stanley, a return of the number of the militia who have volunteered into the regular service, specifying the number from each regiment and the kind of force they had joined, as artillery, marine, &c. was ordered.—Mr. Creevey gave notice that on Monday next he would move for an account of the salaries of the judges of the admiralty.—The Irish spirit duty bill went through a committee, and the report is to be received on Monday.—On the motion of Mr. Foster, the house went into a committee of ways and means. A stamp duty of 3d. was imposed on banker's checks under 5l. in order to prevent them from getting into circulation. Policies of insurance in Ireland were made chargeable at 2s. 6d. per cent. as in England. The report to be received on Monday.

[PETITION FROM NORFOLK RESPECTING THE TENTH NAVAL REPORT.] A petition of the gentlemen, clergy, and freeholders of the county of Norfolk, convened by the high sheriff of the said county, at the castle of Norwich, in the shire-house there, on Tuesday the 14th day of May 1805, was presented to the house, and read; setting forth, "that the petitioners beg leave to express their gratitude to the house for the steps which they have already taken towards the detection and punishment of those servants of the crown who have defied the laws, broken their trust, and applied enormous sums of the public money to their own corrupt purposes of emolument and power; and that in the name of a loyal and suffering people, the petitioners implore the house not to relax in their exertions; they intreat them to consider how patiently the petitioners have seen millions added to millions of the national debt, the rapid advance in every article of consumption, their burthens increasing, and their means of bearing them diminishing, in the just hope that while engaged in extensive wars what they contributed with cheerfulness would be be applied with fidelity, and as the law expressly directed; and that faithful to their first duties, the house have recorded, by the resolutions of the 8th and 10th of April, that the people of England have been grossly wronged by lord Melville; and the petitioners humbly represent to the house the necessity of effectually protecting the nation against future depredations; and therefore praying the house, first, to investigate and sift to the bottom the remaining charges of abuse in the application of the public money, contained in the tenth report of the commissioners of naval enquiry, secondly, to examine minutely into the nature of those irregularities brought to light in the eleventh report of the said commissioners, and likewise whatever may appear culpable or suspicious in any of their future reports: thirdly, to institute immediate and rigorous enquiries into the expenditure of every other department of executive government; and that in performing these acts of necessary and expected justice, the petitioners are persuaded that the house will take no other guides than its own wisdom and resolution; and that, warned by the example of detected guilt, and awake to the frauds which have been practised upon their own facility, as well as upon the public purse, the house will perceive the necessity of resorting to those principles which prevailed in the better days of our constitution, and of acting upon a system of vigilance and jealousy in preference to one of blind and implicit confidence in ministers."—Ordered, that the said petition do lie upon the table.

[PETITION OF THE HOUSE OF KEYS AND INHABITANTS OF THE ISLE OF MAN, RESPECTING THE DUKE ATHOLL'S CLAIM.] A petition of the house of Keys, of the Isle of Man; and also, a petition of several inhabitants and proprietors of estates within the Isle of Man; were severally presented to the house by Mr Curwen, and read; setting forth, "that the people of Man not being represented in parliament, the petitioners hope, that when a measure affecting them and their posterity is introduced into the house, they may be deemed peculiarly entitled to its protection; and that the centrical position of the isle, and the comparatively low rate of duties paid to the feudal lord, made the isle the place of deposit for contraband goods for the purpose of clandestine conveyance to the neighbouring coasts —the privilege of subordinate sovereignty being thus abused, by which the feudal lord benefited equally with the trader, the necessity of re-acquiring it became obvious; and the treasury was therefore authorized, in the year 1726, to purchase the isle from the then proprietors: in the year 1735 the Atholl family became possessed of the isle; and from that time it would seem that the proprietors expected to sell, until the year 1765, when the bargain was concluded between the treasury and the then duke and duchess of Atholl, for 70,000 l. the sum asked by the noble proprietors; and that this bargain received the sanction of parliament; and besides the price required, his majesty was pleased, as an act of gracious bounty, to bestow on the duke and duchess a pension of 2,000l. a year upon the Irish establishment; and that the late duke of Atholl surviving this sale about nine years, made no complaint of inadequacy of price; and the present noble petitioner, for sixteen years after the death of the late duke, although the house have witnessed other measures on his part designed to affect the isle, yet no discovery appears to have been made of this alledged inadequacy; and that in the year 1790 a bill, assuming the possibility of this inadequacy, was, indeed, laid before the house, but it was afterwards withdrawn; and that in the year 1801 application was made to his Majesty for further compensation, which was referred to the privy council, and by them to the then attorney and sollicitor general, whose report and that founded on *ex parte* evidence, the petitioners have reason to believe was against this claim; the petitioners, then, viewing this compact between parties in stations so elevated, thus deliberately and advisedly made, thus solemnly ratified, thus long acquiesced in, thus confirmed by the acceptance of additional royal bounty, which has already doubled the price demanded, do most humbly enquire, if such a compact, forty years after its completion, be suffered to be questioned, what then is sacred and binding between man and man? and that the revenue of the island has been greatly increased within these few years by additional duties laid on importations by the British parliament at the recommendation of the duke of Atholl, and with a view, as it now appears, to the present application. If this increased revenue is to be made subject to a rent-charge payable to his grace, the petitioners cannot consider these additional duties in any other light than a direct tax on the people for his grace's private advantage; and therefore praying, that they may be heard by their counsel against the imposing on the revenue of the Isle of Man any hereditary rent-charge or other burthen in favour of the duke of Atholl." And the said petitions were severally ordered to lie upon the table.

[MILITARY COMMISSIONERS' BILL.] On the report of this bill being brought up,

The *Chancellor of the Exchequer* observed, that the object of the amendment contended for last night was, in his opinion, not sufficiently provided for by the words that were adopted; and, he should therefore propose an amendment upon the former one, to this effect: "That the commissioners be directed to enquire into any profits made by persons in office, holding sums, or balances of public money in their hands, or by any agents or other persons on their account."

Mr. *Grey* acquiesced in the proposal; but having observed that the military hospital, academy, and Asylum, were specified, he suggested that the medical board should also be included.

Mr. *Fox* was of opinion, that instead of leaving any enquiry into former abuses to the discretion of the commissioners, as the bill did, were any distinction to be made, the reverse should rather be the case. Matters of form, and such as were of secondary moment, might be fairly left to their discretion; but it was singular to leave it to their option whether they were at all to do that which ought properly to be enjoined them as a duty. The enquiry should at least, he thought, go as far back as the year 1793, and though the extent of it might be left to their discretion, yet the enquiry itself should not be made a proviso.

The *Chancellor of the Exchequer* was against any limitation in respect to time, and was not altogether unwilling, which he apprehended would meet pretty nearly the honourable gentleman's idea, that the commissioners should be directed to enquire into former abuses as far as they should think expedient, leaving both the time, the degree, and manner of enquiry, discretionary.—These amendments were severally agreed to, and the bill ordered to be read a third time on Tuesday next.

[NAVAL COMMISSIONERS' RENEWAL BILL.] On the report of this bill being brought up,

Admiral *Markham* proposed that as Chelsea Hospital was included in the bill for military enquiry, this bill should in like manner embrace Greenwich Hospital as a subject of enquiry.

The *Chancellor of the Exchequer* observed, that as this amendment affected the original form of the bill, it would for that purpose be necessary to re-commit it, and moved the committee accordingly.—The house having resumed, the report was agreed to, and the bill ordered to be read a third time on Tuesday next.

[IRISH ELECTION BILL.] The house went into a committee on the Irish election bill. On the first clause being read,

Mr. *Maurice Fitzgerald* expressed his opinion, that there was no necessity for hurrying the bill forward with so much precipitation, especially as it was one of the provisions of which the people of Ireland were utterly ignorant, and which went to disfranchise a number of individuals. He therefore moved, that the chairman do leave the chair.

Mr. *G. Ponsonby* seconded the motion, and said he would willingly attend the hon. gent. who brought forward this bill (colonel Bagwell), and give him every assistance in his power, to make the bill as perfect as possible, on condition that it should afterwards be printed, and submitted to the people of Ireland for their consideration, till the next sessions.—A very long and desultory conversation then ensued, with respect to the registry of freeholds, &c. in Ireland. The question, being, however, loudly called for, a division took place on the question that the chairman of the committee do leave the chair; on which there appeared, ayes, 19; noes, 35; majority, 16. The committee then proceeded, and went through the several clauses of the bill, in which several verbal amendments were introduced, and several clauses totally omitted. The report was then received, and the bill ordered to be printed and taken into further consideration on Wednesday next.—Adjourned.

HOUSE OF LORDS.

Monday, May 20.

[MINUTES.] Their lordships proceeded further in the appeal Redington *v.* Redington. Mr. Romilly was heard in continuation, and Mr. Agar on behalf of the respondent.—On the second reading of Moore's Divorce bill, Mr. Adam was heard on the part of the applicant, and evidence was examined to prove the fact of adultery committed by Mrs. Moore. After which the bill was ordered to be committed on Friday.—The Land Tax Commissioners Name bill, the Property Tax Amendment bill, and Irish First Fruits bills were read a second time.—Mr. Alexander brought up the Irish Commonable Lands bill, the Slate Duty bill, the Pancras Poor bill, and several private bills, which were all read a first time. On the Irish Commonable Lands bill, the lord chancellor said, he felt it his duty to call most emphatically their lordships' most serious and cautious attention to the measure. It was a bill which went, or rather attempted, to divide and partition, by one sweeping act, the common lands of Ireland. It seemed to proceed upon an assumption, that it was as easy a matter to parcel out and divide those lands, as it would be to divide an estate between three or four members of a family. In the bill before them, there seemed to be no attention paid to the rights of lords of manor; no regulations with respect to tithes or moduses; no provisions with respect to roads, or other inclosures, which, in this country, were, upon the particular cases arising, made the subject of separate bills; no provisions for reference to juries, with respect to contingent questions of private or individual property arising, in that most of those necessary provisions or regulations which were uniformly introduced into bills of the kind in this country, were omitted, and this, in a general bill, which professed to do that, which was made the subject of distinct and separate legislative measures in this part of the united kingdom. These were considerations which their lordships would have most seriously to attend to, when the bill should come to be read a second time. For his own part, he felt these objections to the measure so strongly, that he could not suffer it to go even through its first stage, without expressing them. The bill lies over for a second reading.—The Earl of Radnor, moved, that the recent message from the commons respecting the attendance of the Earl of St. Vincent, on the select committee of that house, be taken into consideration tomorrow. Ordered.—Adjourned.

HOUSE OF COMMONS.

Monday, May 20.

[MINUTES.] On the motion of colonel Stanley, the committee to whom the petition of the duke of Atholl had been referred, were empowered to report their proceedings to the house from time to time.—Mr. Creevey moved for an account of the salaries, fees, and emoluments of the admiralty court, the register court, and the marshal court. The reason was, that the emoluments had increased to a great degree of late years, and he thought that these courts ought to be separated. Sir William Scott observed, that he had not the smallest objections to this; but it would be recollected, that he had no emolument from sitting in the appeal court, and that he only sat there as a privy counsellor. Mr. Corry paid a high compliment to the ability and attention of the hon. baronet, and said that it would be matter of regret to every nation in Europe, if he should not be permitted to act in the court in question. He saw no sufficient ground for the motions, and therefore would oppose them. Dr. Laurence admitted the right of any member of parliament to move for the accounts of the state of any public office, and it was almost a matter of course to grant them. But this was a court of judicature, and some strong grounds ought to be laid, before such accounts could be granted. The emoluments might be greater, because there was more business. But this was not a reason of itself for any new regulation. After a few words from sir Wm. Burroughs, Mr. Sturges Bourne, Mr. Creevey, the Attorney-General, and Mr. Vansittart, the motions were put and negatived.—Mr. Johnstone, from the office of the chief secretary of Ireland, presented an account of the number of game licences issued in that country; which was ordered to be printed.—On the motion of Mr. Huskisson, it was ordered, that there be laid before the house an account of the sums remaining unapplied, of the grants for naval service in 1800, on the 1st of September, in that year; and also of the sums actually paid in September, October, and November, of that year, as likewise of 1801.—Mr. Huskisson presented a copy of the orders given by the lords of the treasury to Claude Scott, esq. relative to the sale of neutral prizes.—The French Wine Duty bill was read a third time and passed.—The Spanish Wine Duty bill was read a second time and ordered to be committed. — The further consideration of the report of the committee on the bill for regulating the office of paymaster of the forces was postponed to Wednesday. — Mr. Alexander brought up the report of the committee of ways and means, which was agreed to. — A short conversation took place on the resolution respecting the stamp duty on banker's checks in Ireland. Mr. Foster explained that it was not his intention to lay a tax upon banker's checks; he merely meant to prevent a practice which prevailed in Ireland, and which was injurious to the revenue; the practice to which he alluded was, that of making banker's checks for small sums negotiable instruments, like bills of exchange. If they were actually bills of exchange they certainly would be liable to the stamp duty, and his only object was to prevent this fraud in the revenue, by imposing a stamp duty upon checks under the value of 5l. if drawn by a person residing within ten miles of the banker, and if the check was not presented for payment within two days.—A short conversation likewise took place on the resolution for enabling his majesty to increase the number of commissioners of excise in Ireland from five to seven. Mr. Foster stated, that the business of the commissioners of excise in Ireland had of late increased so much that it would be necessary to increase their number; and in addition to their other duty it was proposed that they should now sit on the trial of revenue causes instead of the sub-commissioners. After a few words from sir J. Newport, Mr. Fitzgerald, and Mr. Ormsby, the resolution was agreed to; and bills were ordered to be brought in upon all the resolutions.—Mr. Alexander brought up the report of the committee on the bill for encouraging the consumption of beer in Ireland. Several amendments were introduced, and the bill was ordered to be read a third time on Wednesday.—Mr. Foster brought in a bill for the better regulation of duties on Irish Malt; which was read a first time.—The Irish Distillery bill was read a second time.

[CORNELIUS GROGAN'S ATTAINDER.] Mr. *Richard Martin*, complained that the official return made to the order of the house, on his motion for the proceedings and evidence in the case of the attainder passed by the Irish Parliament against the estate of the late Cornelius Grogan, was totally inefficient and evasive, inasmuch as no part of the evidence before the committee who passed that bill, had been produced.

Mr. *Foster* adverted to the custom of the Irish parliament. The committee had been merely on the bill, and the evidence was not preserved. In this case it was clear it could not be produced. The records had been removed since the union, and where the notes were to be found he did not know.

Mr. *Martin* replied, that as the bill of attainder was founded upon that evidence, the parliament ought to have preserved a record of that evidence, as its own justification; the omission to do it was, in his mind, a most gross and criminal remissness in the officers of that parliament. Mr. Grogan had, in his mind, fallen an unjust victim to the fury and prejudice of the moment. One of his brothers was actually killed in battle, fighting against the rebels; and another brother, his next heir, severely wounded in the same action; and yet this gentleman's right too was included in the attainder. Not knowing how to come at the documents he wished for, and which he knew were in the custody of Mr. Thresham, clerk to the Irish house of commons, he said, he should move to-morrow for a committee to enquire into the state of the records of the Irish parliament.—Adjourned.

[PETITION FROM HERTFORD RESPECTING THE TENTH NAVAL REPORT.] A petition of the freeholders of the county of Hertford, convened by the high sheriff at Hertford, on Saturday 18th May, 1805, and whose names are thereunto subscribed, was presented to the house by Mr. Plumer and read; setting forth, "that the petitioners have received the votes of the house of the 8th and 10th days of April last, with a satisfaction as great as have been their astonishment, indignation, and sorrow, at the gross and flagrant system of negligence and peculation which has been disclosed by the commissioners of naval enquiry; and with a gratitude proportioned to the extensive security and important national advantages thence to be expected, the petitioners beg leave to state their firm conviction, that nothing can so much contribute to the happiness of the people, the success of the contest in which the nation is engaged, and the ultimate well being of the country, as a system of economy planned with prudence, adhered to with firmness, and conducted, in its details, with diligence, caution, and integrity; impressed as they are with this conviction, the petitioners entreat the house to accept their grateful thanks for the enquiries which it has already instituted: to the further prosecution of the object above-mentioned they earnestly pray the attention of the house, and beseech them to pursue with effect that which they have begun with so much honour, and that they will institute and persevere in a general system of enquiry which shall be co-extensive with the abuses which may exist in the expenditure of the public money."

[PETITION FROM READING RESPECTING THE TENTH NAVAL REPORT.] A petition of several inhabitants of the Borough of Reading, in the county of Berks, was presented to the house and read; setting forth, "that the petitioners beg leave to convey their sincere and hearty congratulations to the house on the votes of the 8th and 10th days of April last, respecting the tenth report of the commissioners of naval enquiry; and they trust that the house will continue to scrutinize, with unceasing perseverance, the several reports that are or may be brought before them, and that they will bring forth to public view and contempt all persons, however distinguished by rank or office, who shall have been guilty of peculation, embezzlement, or misapplication of public property, and inflict on them such marks of disgrace, and such punishment, as will satisfy the expectations of an injured people consistently with the wisdom and justice of the house."

HOUSE OF LORDS.

Tuesday, May 21.

[MINUTES.] The Lord Chancellor delivered his opinion at considerable length relative to the appeal cause, Blane, esq. trustee of sir Andrew Cathcart, against the earl of Cassilis. His lordship thought that as to some parts of the property in dispute, the interlocutors of the court of session ought to be affirmed, and with respect to the remainder, that it ought to be remitted to that court for further consideration. He wished, however, for the sake of more accuracy, that final judgment should be postponed till Friday; which was agreed to.—On the second reading of Lingham's Divorce bill, Mr. Parke was heard on the part of the petitioner, and evidence was examined to prove the fact of adultery committed by Mrs. Lingham. The further consideration was postponed till Tuesday.—It was ordered, on the motion of lord Auckland, that an account of the proceedings which have obtained, within a given period, for the improvement of the Chest at Chatham, should be laid before the house.—The order of the day for taking the late message from the commons into consideration, respecting the attendance of the Eatl of St. Vincent upon a select committee, being read; Lord Hawkesbury observed generally, that he conceived the usual practice in such cases was, that the noble lord adverted to in the message should, in his place, rise and state either his willingness or objection to attend, as requested, or, in his absence, appoint some noble lord, to declare for him his dispositions on that head; under these circumstances, should no noble lord present be empowered to declare the determination of the noble earl in that respect; he submitted whether it would not be preferable to defer the consideration of the message for a day or two? The lord chancellor seemed to concur in the propriety of what was suggested by his noble friend, and to think that the usual practice in such cases was, that the peer in question should attend in his place, and make the necessary declaration to the house. The result was, as we could collect, that the further consideration of the message was deferred till to-morrow.

[WEST INDIA ACCOUNTS.] The Earl of *Suffolk* called the attention of their lordships to the circumstance of his having moved some time since for the production of certain West India accounts; which was then agreed to by the house; but none of which were yet produced. He wished to know of a noble secretary, whether these accounts were soon likely to be laid upon the table, as he meant to ground some important motion thereon, and the session approximated to its close?

Lord *Hawkesbury* observed, that it was impossible to get the accounts moved for by the noble earl, ready for production within the time. They were of a very voluminous nature, comprising accounts of all the monies drawn for from the West-India Islands for a number of years; the preparation was certainly going forward, in the proper offices; but he was unable to tell when they would be ready for presentation. If the noble earl mentioned any particular items, or the accounts of any particular time, on which to found any particular proposition, they might, perhaps, be speedily produced.

The Earl of *Suffolk* spoke in explanation, and said, he did not wish for an account of any sum lower than 2,000l. While the noble earl was on his legs, he begged leave to call their lordships' attention to another case of non-production of accounts. He alluded to that of the proceeds of old naval stores, and their application. The motion he alluded to was at least a year and a half ago; and no corresponding account had been since produced. These proceeds must be very considerable, when it was considered, that in some years not less than two millions were voted, for the service of the navy, and the great wear and tear which must take place among our blockading squadrons. After some further observations, his lordship moved, for the production of those accounts, from the 1st of December, 1804, to the 1st of December, 1805.

Lord *Auckland* observed, that, on account of the time stated in the motion, it was evidently impossible it could be complied with. The motion afterwards was allowed to be withdrawn for the purpose of its being new-modelled by the noble earl.

[CONDUCT OF JUDGE FOX.] The order of the day being moved, for their lordships going into a committee, upon the motions alledged in charge against the above judicial character;

Lord *Hawkesbury* observed, that he thought the most proper and regular course of proceeding in the case, as it had stood before their lordships, was, that an address should be moved to his majesty on the occasion, embodying in such motion or address, a statement of the facts upon which the charge, giving rise to the address, was founded; and then to refer the consideration of the whole to a committee of the house, for the purpose of affording a regular opportunity of proving at the bar, the allegations stated in the address. This line of proceeding would, he thought, best square with the act of settlement; and, upon this ground, he should beg leave to suggest to his noble friend, the propriety of moving such an address, in which should be embodied, for the purpose he had mentioned, the important facts of the case.

The Marquis of *Abercorn* expressed his willingness to accede to the proposition of the noble secretary, did such appear to be the sense of their lordships, as the most proper; for, it was his wish never again to be reproached with urging the adoption of any particular mode of proceeding, in preference to another. Under this impression, he should therefore readily undertake to move an address as suggested; but he should content himself with simply moving the address, and not offer a word in the way of comment upon it. From the moment, he judged it important to come forward as he had done, in a case involving the rights and privileges of his fellow subjects, and saw the matter placed in a train of investigation. He had carefully, as their lordships must recollect, abstained from any observations in that house, which might go to affect the individual, or bias their lordships' judgment on the case. On these grounds, he repeated he should content himself with simply moving the address.—On the motion of lord Auckland, the order for their lordships going into the committee was discharged.— Adjourned.

HOUSE OF COMMONS.

Tuesday, May 21.

[MINUTES.] On the order of the day for the third reading of the bill for the better supplying of Market Towns in Ireland with water, sir George Hill opposed it, on the ground, that it would have a partial operation, and subject many persons to rates who did not stand in need of such accommodation. He should make no objection if the heavy expence was to fall exclusively on those who wished for it; but, considering that it would be burthensome as well as unnecessary in general, he moved, that the bill be read a third time this day three months. Mr. Barnard and sir W. Burroughs spoke in favour of the bill; and Mr. French, sir W. Elford, and Mr. M'Naghten, against it. Mr. Foster considered the measure to be of considerable importance, and such as should not be hastily adopted, as a general act, meant only for local advantage, might ultimately tend to the embarrassment of the whole country. He should therefore recommend it to the hon. baronet (sir G. Hill) to withdraw his motion, for the purpose of postponing the third reading to this day fortnight, when gentlemen might be better prepared to understand it, To this, Mr. M'Naghten objected, that in the course of a fortnight many Irish members would have occasion to return home; and, after some desultory conversation, the house divided on sir G. Hill's amendment; for it 29; against it 27; majority 2. The bill was then ordered to be read a third time this day fortnight.

[IRISH SECRET SERVICE MONEY.] Sir *John Newport* rose to bring forward his promised motion, for an account of the secret service money disbursed by the Irish government, from the year 1793 to the present time. He thought the subject one to which it was highly necessary to call the attention of parliament, as a head of public expenditure, under which there had been no investigation whatever for the last seven or eight years. The disbursement of money by the government of this country, under a similar head, had for a long series of years eluded enquiry: though frequently proposed, it was often rejected, like many other salutary objects, until at length the perseverance of the house of commons prevailed, and the secret service money was reduced to public investigation, so far, at least, as it was admissible for a minister to disclose the objects of its application. Rumour had very strongly stated, that within the last few years very large sums of the public money had been disbursed under this head, though by an act of parliament, the sum of secret service money was limited to 5,000l. annually, except in cases for the purposes of suppressing insurrection or rebellion; but when it was known that the pension list of Ireland had doubled, and now amounted to 120,000l. it was high time for parliament to do its duty, by examining into the branch of expenditure to which he alluded. The pension act, by the 9th and 10th section, provided that no more than 5,000l. per annum should be granted by the crown upon that establishment, until the pension list was reduced below a limited sum; but there was no guard against the grants of the lord-lieutenant. The union was a measure which would, no doubt, hereafter lead to many great and important purposes, when the minds of the people should be awakened to its advantages. He did not deny, that the object of his motion was, to make disclosures, which, to some persons, might not be altogether agreeable. It had not been concealed, that a vast sum of money was paid, for the purpose of bringing about the union, which was held out as a measure calculated to produce the most important and beneficial consequences, which, he was sorry to say, were not yet very likely to result from it. Ever since the year 1793, it was notorious that no account was given to parliament of the disbursements for secret services; and he was sorry a noble lord who had been called upon to refute them was not in his place to wipe off the reproach from himself—[a general laugh, lord Castlereagh being in his seat]. He begged the noble lord's pardon, and hoped he would avail himself of being present to clear himself. He hoped that the house would now pay more attention than formerly to the disbursements of Ireland, as the English members were aware, that our country had to defray two-seventeenths of the expences. The expences of some, though not all, of the proportions in Ireland, were now before the house, amounting to the sum of 110,000l. and his motion would be for a secret committee to enquire into that expenditure. On looking into the journals, he found a precedent for his motion, in the reign of William and Mary, Nov. 1688, when a motion was passed, calling for an account of the money paid for secret services to members of parliament, and was presented by Mr. Secretary Harley, in the December following. As he did not expect to have the right of the public, to know what they actually did pay, disputed, he moved, "that a secret committee, of 13 members, exclusively of such members as held any public offices at the will of the crown, be appointed to enquire into the disbursements of secret service money in Ireland, from the year 1793, to the end of 1804, inclusive, excepting such sums as may have been paid for the detection of any conspiracies, and distinguishing their respective amounts, and the names and services of the persons to whom they were paid."

Mr. *Vansittart* said, that if the hon. bart. merely wanted an account of the money laid out for secret service, there could be but one objection to it, and that was, that it was unnecessary, because the amount of the money to be so expended was limited and defined by act of parliament. But the hon. bart. seemed to think that there were other sums of money so applied, over and above the sum allowed by law: if that were the case, if the hon. bart. could bring forward any fact of that kind, it certainly would be well worthy the attention of parliament. But it certainly appeared to him unnecessary to go into an enquiry until some fact was stated to shew the expediency of that enquiry.—The act of 1793, to which the hon. bart. had alluded, followed the principle of Mr. Burke's bill in this country, and limited the amount of money to be expended for secret service to a small sum; and he supposed it would not be denied that it would be impossible for any government to be carried on without the power of disposing of some secret service money, without being obliged afterwards to make public the way in which it had been laid out. In the year 1741, an attempt was made in this country to enquire into the application of secret service money. It was admitted in the report of the committee appointed upon that occasion, that it was absolutely necessary that government should have the application of a certain sum for secret service money, without being obliged to explain the way in which it was expended, because that would defeat the very purpose of it; but it was stated that the sums so laid out appeared to be enormous. Afterwards, by the bill brought in by Mr. Burke, the sum to be so expended by government was limited to

100,000l. a year. In Ireland the sum was still more limited; it was fixed at 5,000l. a year; and he believed the hon. bart. would find it difficult to convince the house that such an expenditure could be applied to the bad purposes to which he had alluded. But he trusted that gentlemen would recollect the situation in which Ireland had stood for some years, and he was sure they could not for a moment contend, that it would be proper to call upon government to come before parliament and explain how every farthing of secret service money had been laid out during that period. There was one head of expenditure, called "secret pensions," and it must be obvious to the house, that government could not expose the names of the persons to whom they were paid without exposing them to ruin. He wished to observe, that it was not the practice in this country to keep any memorandum of the disposal of secret service money after it had once been approved of by his majesty: he did not know whether this was the practice in Ireland, but certainly a contrary one might lead to the most dangerous consequences.—Mr. Vansittart then read the act limiting the secret service money to 5,000l. a year, and contended, that it was evidently implied by the act, that no account was to be rendered of the expenditure of that sum. The necessary security was obtained, not by having an account published of the mode in which the money had been expended, but by limiting the amount of it. The money laid out had all been accounted for in the way prescribed by law, and the hon. bart. might, if he thought proper, move for papers, shewing the time when the respective secretaries had passed their accounts. With regard to what had fallen from the hon. bart. respecting pensions, it was wholly unconnected with the present subject, and therefore he would not occupy the time of the house with any observations upon it at present. The hon. bart. had referred to some proceedings in the reign of king William; but they were of a very different nature from the account now called for, because there was now an account of the sums expended upon the table. The hon. bart. had also alluded to the sum expended in state prosecutions; this certainly was a subject of regret, but it could not be matter of surprise, that such a sum had been expended in four years, in a country in which there had recently been a rebellion, and since that a serious insurrection, and where it must be confessed there still remained a great deal of lurking treason. Upon these grounds he must resist the motion, and really if he could account for the expenditure of the secret service money, he would not do it, from a conviction of the fatal consequences that might ensue.

Mr. *Dennis Browne* also opposed the motion, and observed, that certainly the noble lord (Castlereagh) did carry the measure of union which the hon. baronet had so highly praised, and admitted to be of such high importance to the empire; and it was rather extraordinary that an enquiry should now be moved under the head of secret service, which seemed invidiously to glance at the carrying of that measure. Certainly large sums had been found necessary to be disbursed in the secret service of that country, in order to detect and frustrate a jacobinical conspiracy, which had its origin so early as 1790, and the application of secret service money, under the direction and talents of Mr. Edward Cooke, then secretary in the civil department, was most effectual for the purpose.—The question being loudly called for,

Sir *John Newport* rose to reply. He observed, that as to secret service money disbursed for the suppression of rebellion, the ministers were not called on to account, as that was specially excepted by the act of parliament; but this was no reason why no enquiry should be made respecting the expenditure of the sum not so granted. He did not wish to disguise the object of his enquiry. Rumour had very strongly stated, that very large sums, to the amount of more than 25 times five thousand pounds, had been expended by the government of Ireland of very late years, in a very improper and unconstitutional way; and to investigate this was the object he had in view. If the house rejected this enquiry, particularly the sums lavished for the purposes of the union, they would answer the public call in the same manner that sir Wm. D'Avenant related of lord Stair, who, when called upon for an account of the sums paid in quieting the Highlands of Scotland, replied, "the money is all spent, the Highlands are quiet, and that is the best account that I can give you." In the same manner, the noble lord opposite him might say, "the money is gone, the union is accomplished, and you may now be satisfied, for that is the best account I can give you."—The house then divided on the motion; for it 67; against it 93; majority 46.

[STIPENDIARY CURATES' BILL.] The order of the day being read for going into a committee on the Stipendiary Curates' bill,

Lord *Porchester* opposed the bill as unjust, illegal, and unconstitutional in its principle, and unwarrantably disposing of the property of beneficed clergymen, who, from illness, infirmity, or other unavoidable causes, might become non-resident; in which case, at the option or caprice of the diocesan, a gentleman was liable, by the bill, to be deprived of one-fifth of the value of his whole living, to enrich a curate appointed by the bishop to do duty in his parish. It would not be denied that the revenues of the church were as much private property as any other tenures, subject only to the condition that the clerical duties should be properly performed. If the incumbents, therefore, were not culpable, their rights should not be affected; and if they found proper substitutes to perform their duty when circumstances rendered them incapable of doing so themselves, it was as much as parliament had a right to expect of them. By the law hitherto in force, the power of the bishop was limited to an allowance of 50l. or at most 75l. to curates, according to circumstances, and he did not hear that any application had been made by curates, stating, that they had not a proper allowance, or by bishops, that they had not sufficient power to grant it to them. There was no proof either that the incumbents did not provide proper persons to perform the necessary functions; and he would therefore ask, what occasion there was for this bill? If the measure went upon an erroneous principle, he was aware of nothing which could do away that objection. This innovation went to no less than to give to curates three times the salary that they were allowed before, and infinitely more than was necessary for providing substitutes. By this bill, the power of the bishop would be exorbitant; for if he thought it right to have more than one curate, he might appropriate one-third of the whole income of the incumbent. There were, he understood, some rectories of 3,000l. a year, and surely it would be preposterous to deprive the person who held such a living of 1,000l. a year, for the purposes of curacy. The legislators had already amerced the incumbents for non-residence, and it was rather too hard to lay this second fine upon them. He strongly objected to such decisive authority being given to bishops, and the more so, as the bill left no appeal whatever from their fiat, but to the archbishop of Canterbury. If such a principle was proceeded upon, a bishop within his diocese would become a more uncontroulable despot than any first consul or emperor of the French. It was defective also, as it gave no security that the curate thus amply provided for, should himself be resident upon his cure; it did not authorise the bishops in that respect to do good, and gave them every power of doing injury to the incumbent; it did not go to accomplish the object that was professedly proposed by it; and, if it was thought right to institute an ecclesiastical reform, it should be done openly, and not in so indirect a manner. He considered the measure to be connected with circumstances of extreme cruelty, in obliging the vicar to make great sacrifices to the detriment of his family, when grown old in the service of the church. The parliament had, some time since, decided, that a man who took to priests' orders, could not, afterwards, turn his attention to other pursuits; and, as the present measure would tend to deprive youth of its prospects, and age of its support, he should resist the motion for the speaker's leaving the chair.

Mr. *I. H. Browne* defended the bill, conceiving it to be but just and necessary that those incumbents who did not perform the duty which their situation required of them, should be obliged to pay the curates who performed that duty for them. That was simply the object of the bill, and therefore he approved of it. Any faults it contained might, in his opinion, be easily corrected in the committee.

Mr. *Western* said, he had, on a former occasion, shortly stated his reasons for not approving this bill, and he would now, as briefly as possible, repeat his objections to it. He thought it was an attack and infringement on the property of the clergy, which the house had not a right to make. He thought also, that vesting a power in the bishop to give away so much of the revenues of the rector, as one-fifth of the value of his living, was subjecting the more opulent members of the church to a too great dependence on the bishops. For these reasons he should object to the speaker's leaving the chair.

Mr. *Burton* spoke in favour of the bill. He said, the house, the glebe, the tithes, and other property, were not the objects of the bill; the real objects were, the duties of the rector, and these were very necessary to be attended to. Nothing could so much insure their due performance, as the residence of the rector or vicar; and if he did not reside there, there should certainly be a regular and ample provision for the person who officiated in his place, and performed his sacred duty; which did not merely consist in reading prayers, preaching, visiting the sick, marrying persons, &c. but also in keeping up a respectable and social hospitality, and distributing alms in the neighbourhood. It had been objected, that the provisions in this bill were of a novel nature, and the noble lord had said it was a reform in the clerical system. The hon. members, however, who supposed this, were certainly mistaken. In very old times, indeed, this power had been vested in the bishops. As it would be easy to obviate many objections, and to render the bill more agreeable to all parties in a committee, he should certainly vote for the speaker's leaving the chair.

Mr. *C. Wynne* said, he thought there were some parts of the bill which were highly objectionable; but as these might be modified, obviated, or totally altered, he certainly should vote that the bill go to a committee.

Sir *J. C. Hippisley* said, that he did not rise to oppose going into a committee, but what he had to say was applicable rather to the high duties attached to the spiritual functions of the clergy, and to guard against their violation, than to interfere with the temporalities of their benefices. He was aware that some difficulty and embarrassment was involved with the subject that he should mention, yet in a choice of difficulties and evils it was ever prudent to choose the least. His object was to empower the bishop, in certain cases, to appoint a stipendiary curate, *ad interim*, where the misconduct of any beneficed person should seem to demand it. It was painful to him to particularize the circumstances on which he founded his motion for these observations, but it was but too true, that in the county in which he resided, bills of indictment had been preferred against three clergymen, within a short space of time, in the same year, for attempts to commit offences at which human nature revolts. It was to empower the bishop to appoint a curate when such charges came to the length of an indictment, that he wished to see a clause introduced in to this or some other bill; and he wished rather that it should be thus collaterally introduced, than make it the subject of a bill in itself.

Mr. *Barham* was against the bill. He thought it would diminish the value of livings, and it was therefore a direct violation of property. Another objection to it with him was, that it very much increased the power of the bishops. It had been said there was no danger with them of that being abused. He had as high and respectful an opinion of the bishops of this country as any man could have, and believed them to be very good men, and highly honourable characters. He should, however, vote against the speaker leaving the chair.

Mr. *Fellowes* said he highly approved the bill, though there were some parts of it which he hoped to see improved in the committee.

The *Chancellor of the Exchequer* denied the principle contended for by the noble lord, and the other opposers of the bill, that the property of a beneficed clergyman in his living was of the same nature as his landed estate. Such, indeed, was the property of the advowson, but such was the jealousy of the law on this point, that for the patron to sell the next presentation to that advowson, would be a simoniacal bargain. The living, on the contrary, was to be considered rather as a freehold tenure held upon certain conditions of service; but he should like to know where was the injustice or the tyranny in obliging a man to pay another for the performance of that service which he did not choose to perform himself, and upon the condition of which he held the tenure. The tenure of a clergyman in his living was also held upon the indispensable condition of rendering services inseparably connected with the religion, the morality, and the loyalty of the country. To whom must the country look for the support of loyalty amongst the people, but to the resident clergymen of the established church, who, by their own doctrine and example, have at all times so eminently promoted the cause of loyalty amongst their parishioners? A bill had been recently passed by the house, enforcing the residence of the clergy under the direction of the bishops, to whom it gave extensive powers; which powers this bill restricted rather than enlarged; for it only authorized the bishops to assign one-fifth of the income of the living, where it exceeded 400l. a year, to the maintenance of a curate to do the duty of a clergyman who did not chuse to do it himself, or provide any other resident clergyman to do it. Now, what portion of the whole mass of the beneficed clergy in England would this go to affect? Why, not a fortieth part: for a great number of the beneficed clergy already stood excused from residence on account of deaneries, chaplaincies, fellowships, and other duties elsewhere.—The question being called for, a division took place; ayes 57; noes 23; majority 34.—The house having resolved itself into the committee, a conversation took place on the clause respecting the allowance to be made to curates, and Mr. Creevey submitted a proposition to alter the scale of allowance; upon which a division took place; ayes 11; noes 47; majority 36. —Adjourned.

HOUSE OF LORDS.

Wednesday, May 22.

[MINUTES.] Counsel were finally heard relative to the Irish Appeal, Reddington *v.* Reddington, viz. Mr. Plomer at some length in reply on the part of the appellant.—The bills upon the table were forwarded in their several stages.—The Military Expenditure Enquiry bill; the Naval Enquiry Renewal bill; and the Wine Duties' bill, were brought up from the commons, and severally read a first time. On the reading of the Wine Duties' bill, the earl of Suffolk observed, that there had been a memorial presented and signed by a number of officers in the army, praying, on account of the high price of wine, and on account of the excessive duties, a drawback with respect to the latter in their favour; this he thought a consideration of importance, which did not appear to be attended to, and he lamented that the price of the article was now so high, as that a subaltern officer could not afford to indulge himself with a glass of wine.

[CONDUCT OF JUDGE FOX.] The order of the day being read,

The Marquis of *Abercorn* moved an address to his majesty, in which were embodied various matters of charge against Luke Fox, esq. one of the judges of his majesty's court of common pleas in Ireland. The charges enumerated were, with a few exceptions, those contained in the petitions presented, and the articles of complaint preferred against Mr. Justice Fox, and respecting the alledged misconduct of that judge, while employed on one of the circuits in Ireland. The address concluded with praying his majesty, that therefore he would be graciously pleased to remove the said Luke Fox, esq. from his judicial situation.—The noble marquis simply moved the address; which being read by the clerk,

Lord *Hawkesbury* said, he should move two propositions on the address now read; first, that it be referred to the consideration of a committee of the whole house; and, secondly, that the house should resolve itself into a committee, for the purpose of enquiring into the truth of the facts alledged in the said petition.—On the question being put,

Lord *Auckland* rose, and stated a variety of objections against the proposed line of proceeding. He had frequently urged his sentiments as to the propriety of commencing proceedings in that house upon matters of mere misdemeanour. He submitted whether it did not go to call upon any individual to come forward in his defence, upon matters alledged by any member of that house in his place? Though, at the same time, he confessed, that the mode now proposed was infinitely less exceptionable than the course adopted in the first instance. Besides, there was more than one difficulty which would attend the proceeding in question; they would have to enter upon a detailed examination of the whole case, and then perhaps have to call upon the accused gentleman for his defence. Another consideration adverted to by his lordship was that of the great and unavoidable expence to the parties, which such a mode of proceeding must occasion. The very advanced period of the session was also to be considered; a period, at which all their lordships must feel it was almost physically impossible to get through the business.

The *Lord Chancellor* spoke at some length, and with great ability, upon the question. He expressed his hope that by their lordships promptly and sedulously applying to the investigation of the business, at least, on the part of that house, it might be got through during the present session. He had to observe the great delicacy of the learned person who was accused, in abstaining from the exercise of his judicial functions, though to his great pecuniary loss, while the accusation was pending; this consideration should combine with those of justice to the individual and to the country, to induce their lordships to make an effectual struggle speedily to come to a decision upon the subject. It had now proceeded so far, that the matter must be investigated. With respect to the doubts of his noble friend, as to the jurisdiction of the house, whenever the question upon that head, and he trusted that whatever should come to be discussed, he would meet it, and in a way, he trusted, to satisfy the house. If any objections should be made upon that principle, they would be discussed coolly, temperately, with attention, and with a determination to make every due and proper allowance. He would not now enter upon the points alluded to by the noble lord: all, as expedient at present, he claimed, was, the power to address in cases of proved misconduct of a Judge, in the execution of his office. This, at least, would be allowed, on a clear proposition, that by the principles of the constitution, and the letter of the law, both houses of parliament were, in such a case, entrusted with a discretionary power. After expatiating upon these points, he stated his opinion, that such a case as the present, upon principles of policy and of justice, should be commenced with reference to an address for removal, in that, preferably to the other house of parliament. With respect to the address, as proposed by the noble marquis, he submitted the expediency of leaving out some particular parts of the facts charged, on grounds upon which the house was to proceed; for instance, the application alledged to be made by the learned person, to the commanding officer of a corps, to use his influence therewith to procure an address, &c. Such conduct would be certainly unguarded, and such as he could not mean to justify; but in the particular case, he thought it would be preferable to confine it to motives relative to the conduct of the accused, in his situation of judge. Were these omitted, it would be much better, and, as the case stood, there was a pressing duty upon the house, to enquire into the facts. As to the specific line of the proceeding in the committee, it would of course depend upon what they should find in proof, and what not, and it would be open for the house to give its instructions from time to time.

The Earl of *Carlisle* strongly supported the objections of his noble friend (lord Auckland). Commencing with the business *de novo*, it would be impossible to get through it this session. After their investigation, perhaps, the commons might have to take it up; the result of which might be, to oblige their lordships to decide upon it in their judicial capacity. He disapproved of the whole course of proceeding hitherto adopted. Far better would it be, to have put the matter in a course of impeachment, at first; and, to his mind, nothing short of a favourable decision of the house, in their judicial capacity, could restore the accused gentleman fully to the enjoyment of an unsullied character, in the estimation of his country.

Lord *Holland* argued on the same side. The novelty of the case, he observed, rendered it of greater importance, and their lordships should be more cautious as to the precedent they should set. Perhaps, in the enquiry, impeachable matter should come out, which of course, would go to place them eventually in a judicial situation. The proposed mode would, therefore, be as unfavourable to the ends of justice, as to the dignity of their lordships' proceedings.

Lord *Hawkesbury* spoke in answer to some general observations made by the last speaker. With respect to the particular case under consideration, he observed, that the advanced period of the session, and the circumstances of the delays which had hitherto occurred, should be a stimulus to their lordships to begin the proposed enquiry, as soon as they could, to go on as long as they could, and, if they were not able to terminate it this session, to do all in their power to do so. However, with respect to that house, he thought it far from impossible to conclude the business this session.

The Marquis of *Abercorn* expressed himself willing to acquiesce in what was suggested by the noble and learned lord, in expunging those parts of the address alluded to; but this acquiescence was founded in reasons very different from those which were urged as adequate for such an omission. He could not assent to the idea, that a judge was not to be called to a parliamentary account, except for his official conduct as such. The noble marquis then explained the specific grounds on which he entertained no objection to expunge the particular parts alluded to.

Lord *Mulgrave* was of opinion, that no article of charge, which would not of itself be sufficient to ground an address of removal, should be considered by the committee; such a regulation would tend greatly to expedite their lordships' decision, which he was inclined to think might very well be made this session.

Lord *Harrowby* expressed his concurrence in the opinion that a judge may be guilty of several acts, besides those he may commit in his judicial capacity, which would render his removal necessary and proper; there were also several acts of a judge, on which it may be proper to ground an address for removal, and still not amount to a cause for the more serious proceeding of impeachment.—The marquis of Abercorn, who had been permitted to withdraw the address, for the purpose of making the suggested omissions, returned the address so amended. The questions were then regularly put, and the address was ordered to be referred to a committee of the whole house on Monday next, for the purpose of an enquiry into the truth of the facts alledged therein. The petitions, &c. which had been presented, relative to the complaints against Mr. Justice Fox, were referred to the said committee; and, on the motion of lord Hawkesbury, a copy of the address was ordered to be furnished to Mr. Justice Fox.—Some conversation arising between lord Auckland, the lord Chancellor, lord Hawkesbury, and other peers, about the proper forms of proceeding, the attendance of Mr. Justice Fox, &c., these points, particularly the question, " where and how" Mr. Justice Fox should attend? were, on the motion of the lord chancellor, ordered to be taken into consideration on Friday next.—Adjourned.

HOUSE OF COMMONS.

Wednesday, May 22.

[MINUTES.] Lord Glenbervie moved an address to his majesty, that he would be graciously pleased to order a statement of the proceedings of the commissioners for the sale and redemption of the land tax, &c. to be laid before the house. Ordered.—Mr. Loveden moved, that there be laid before the house, an account of all the monies, stocks, funds, or securities for monies, standing in the name of the accountant-general of the court of chancery, or of the deputy remembrancer of the court of exchequer at the bank of England, or south-sea house, being the property of persons suitors in these courts. Ordered.—Mr. Bernard, pursuant to notice, rose to move that a committee be appointed to enquire into the tolls on the grand canal in Ireland, and what measures have been adopted, or may be adopted for their reduction. The hon. member prefaced his motion by stating the reasons that had induced him to postpone it so many different times. He had hoped that some amicable arrangement would have taken place between the directors general of inland navigation and the grand canal company in Ireland, but finding that expectation frustrated from a late laconic answer of the former board, he felt it his duty to solicit the interference of the house, as his constituents were materially affected by the tolls now levied, which exceeded any levied in this or any other country. The parliament of Ireland had granted at different times considerable sums of money for the reduction of the exorbitant rates of tolls on the canals in Ireland. These grants had produced the desired effect on the Barrow and royal company's canals. The rate of toll had also been lowered, in consequence of a former grant of the Irish parliament, ten miles below Banagher, whilst the exorbitant rates were continued in the King's County. Above 200,000l. of the public money had been granted to the grand canal, and if the rates now levied should not be lowered, he could assure the house that the expected advantages would not be derived from it, as many persons in the vicinity of it now preferred land carriage. He therefore moved accordingly. Mr. Prinsep rose to second the motion, and stated briefly the necessity of lowering the tolls, in order to render the canal system in Ireland, for which an expence of no less a sum than one million of the public money had been incurred, nationally beneficial; but disclaimed on his own part and that of the hon. mover, any wish for any reduction of the tolls, except an adequate compensation being made to all the parties. After a few words from Mr. Alexander, the motion was agreed to, and the committee appointed and directed to report on the subject, together with their observations thereon to the house.—Mr. Wilberforce presented a petition from the inhabitants and manufacturers of the parish of Wakefield; also one from those of the parish of Saddleworth, both in the county of York, against the corn bill, which were referred to the committee to which the other petitions on the same subject had been referred.—Mr. Fellowes, pursuant to notice, moved, " that there be laid before the house a copy of the return or returns made to the privy council by the archbishops or bishops, of the names of any persons holding preferments within their respective dioceses or jurisdictions, who may not have resided thereon in consequence of exemptions or licences under the 43d of his majesty, chap. 84." A long conversation ensued, and it was at length agreed, on the suggestion of the Speaker, as the accounts were voluminous and could not be speedily produced, that the accounts should be prepared in order to their being laid before the house early next session of parliament.—On the motion of the chancellor of the exchequer, the house went into a committee of supply, to which were referred the several accounts laid before the house on the 6th of March last, and on the 6th instant. He also moved in the committee that a sum not exceeding 25,000l. be granted for the Crinan canal; and a sum not exceeding 50,000l. for the inland navigation canal, between the west and east-seas, by Inverness. He moved also the usual grants for the clerks and other officers of the house, which were agreed to.—On the motion of Mr. Huskisson, leave was given to bring in a bill to allow the commissioners for auditing accounts to admit of vouchers in certain cases, though not stamped according to law.—A petition of Paul Bridson and William Stowell, esquires, merchants, of the Isle of Man, on behalf of themselves and the landholders, merchants, and inhabitants of the said isle, was presented to the house by colonel Stanley, and read; setting forth, "that the petitioners have perused a printed case on behalf of the Keys of Man, dated the 25th of March last, and a printed statement of the claim of the duke of Atholl, for a further compensation out of the revenues of the said isle, dated the 10th of April last; and they observe, that the said case, on behalf of the Keys, goes to affect the principle of any compensation being granted out of the revenues of the said isle, or any other fund, which the petitioners conceive is going further than can be well justified, for the reasons therein stated; that the petitioners have the highest confidence in parliament for the application of such proportion of the revenues of the said isle, as may be deemed necessary, from time to time, for the encouragement of the fishery thereof, promoting manufactories, and other public purposes; and they beg leave to represent to the house, that memorials, to the purport and effect above-mentioned, were prepared and signed by upwards of six hundred and thirty of the merchants, landholders, and principal inhabitants of the said isle, for the purpose of being presented to the house of Keys, but which were not received, the speaker informing them, that the Keys had adjourned, and could not meet without a precept from the governor; and that the petitioners have received directions to lay the same before the house, as expressive of the sentiments of a respectable and numerous proportion of the inhabitants of the said isle; and therefore praying the house to take the case into consideration." Ordered, that the said petition do lie upon the table.—Mr. Alexander brought up the report of the Stipendiary Curates' bill, which was ordered to be printed. The Attorney-General moved, that the report be taken into further consideration on Friday next. Sir W. Dolben desired time till Monday, in order to take the sense of the universities upon the measure, as their interests might be affected by it. A conversation ensued, which terminated in the acquiescence of the Attorney-General, that the report should be taken into further consideration on Monday.—Adjourned.

HOUSE OF COMMONS.

Thursday, May 23.

[DUKE OF ATHOLL'S CLAIM.] Colonel *Stanley* reported from the committee, to whom the petition of John duke of Atholl is referred; and to whom the report of the commissioners of enquiry relative to the Isle of Man, made in the year 1792, and all accounts respecting the revenues of the said isle, which have been presented to the house in this session of parliament, are also referred; and who were instructed to take into their consideration all such parts of the said report as relate to the collection and management of the revenue of the said isle, and likewise to examine into the receipts of the revenue of the same isle, and the disbursements thereout, from the 5th January 1791 to the 5th of January 1805; and into all balances in the hands of the collectors or receivers of the revenues of the same isle, and to report their observations upon all such subjects to the house; and to whom the several accounts and papers relating to the Isle of Man, which have been presented to the house since the 26th day of March last; and also, the account of the amount of duties received within the ports of the Isle of Man upon imports and exports, between the 5th January 1798 and the 5th January 1804, which was presented to the house upon the 10th day of April, in the last session of parliament, are also referred; and who were empowered to report their proceedings, together with their observations and opinion thereupon, from time to time, to the house; that the committee had examined the matters to them referred, and had come to several resolutions thereupon, which they had directed him to report to the house; and he read the report in his place, and afterwards delivered it in at the table, where the same was read; and the resolutions of the committee are as followeth, *viz.* "Resolved, That the com-"mittee, having considered the documents "and evidence which have been laid be-"fore them, are of opinion, that the peti-"tioner has fully established the allega-"tions of his petition. Resolved, that "it is the opinion of this committee, that "it would be proper to recommend to the "house, that parliament should grant such "farther compensation as shall seem ade-"quate for the benefit of the petitioner "and the other heirs-general of the "seventh earl of Derby, according to the "provisions of the act of the 7th of king "James the First, and that such compen-"sation should be charged on the revenue "of the Isle of Man."

Mr. *Curwen* did not wish at this moment to oppose the reception of this report, though he totally objected to its contents; and his wish was, that the subject should undergo a full discussion in a committee of the whole house, and that the whole of the merits of the noble duke's claims should be fairly and fully investigated. He hoped the house, in its attention to the claims of the Duke of Atholl, would not be unmindful to the complaints of a numerous and loyal body of his majesty's subjects, though not represented in that house: and as it was the peculiar privilege of parliament as well to watch over the modes of raising money from the pockets of his majesty's subjects, as to guard with vigilance its proper disbursement, so he trusted in this case the inhabitants of the Isle of Man would not be exposed to imposts, which it was not just they should pay, at the mere fiat of the noble duke, who claimed the privilege of taxing them just as he pleased, of his own mere will and caprice; nor suffer the public money to be lavished in the payment of demands, not founded on any just or reasonable title. At least he trusted, that before the house would assent to the report now offered, and founded on such a various multiplicity of items and documents, they would fully and fairly investigate the whole. This was not the first time those claims of the noble duke were brought forward; they had been repeatedly urged, and every time in a new and different shape from the former. They came now forward upon a footing totally different from that on which they had been last submitted to his majesty's privy council, who, after four years deliberation, and after referring the subject for the judicial consideration of his majesty's attorney and solicitor general, and receiving the elaborate report of those learned gentlemen upon the subject, decided that the duke of Atholl had no right to the claims he preferred. The noble duke claimed, under the appointment of James I. a power which, he thanked God, no king of this country ever enjoyed, a power of taxing the people at his mere will. This power the house of Keys, in the Isle of Man, who are the proper representatives of the inhabitants, denied; and this was the question now at issue. It was somewhat extraordinary that though those claims had been rejected, after four years deliberation, by the privy council, when a noble lord, now in another house (lord Sidmouth), was at the head of administration—an administration which he had supported, which he should ever respect, and which he considered as a much more vigorous one than that by which it was succeeded; yet by the privy council which succeeded, after a deliberation of scarcely as many weeks, with the facility of turning to all the documents, and to the attorney and solicitor general, for their evidence on the case, they decreed that the claims were founded; and this decision was confirmed by a committee of this house, which had only sat a few days. In that committee, of which he was a member, he opposed the claims; but finding that he stood alone, and was unable to prevail, he ceased to attend it. What he now wished was, full investigation before the whole house, and that the whole of the report and evidence be printed.

Lord *Glenbervie* said, that the reason why the ultimate decision of the privy council was in opposition to the first, was, that a new memorial, stating new facts, and founded upon new evidence, had been presented by the noble duke, to whom it was a part of the justice due that the decision should not be delayed, which might be the case, if, at this late period of the session, the whole of those voluminous documents were to be printed, which, he contended, were in print already; and that the hon. gentleman had derived his information from a printed copy. He concluded by moving, " that the report be taken into consideration on Tuesday next."—This was opposed by Mr. Curwen, Mr. Creevey, Mr. Hurst, Mr. Windham, and Mr. Johnstone. They expressed their wish, that the evidence on which the report was founded should be printed, and stated the impossibility of doing that in due time. It was indecent to hurry through the house in a few days, what had occupied the attention of the privy council for several years. In the administration of lord Sidmouth, a negative had been put on the claims of the duke of Atholl, and why should that be reversed? The attorney and solicitor general had declared their opinions against him. If new matter had been brought forward since that time, the case ought to be again referred to the consideration of the law officers, and should they report favourably to the noble duke, there could then be no objection to the admission of his demand.—An amendment was moved by Mr. Johnstone, that the report should be taken into consideration on Wednesday, the 5th of June. On the other hand, Col. Stanley, lord Glenbervie, sir W. Burrowes, Mr. Rose, Mr. I. H. Browne, and the Chancellor of the Exchequer, contended that the evidence on which the committee proceeded not being oral, but drawn chiefly from the able and elaborate report of the commissioners in 1792, already in the possession of the house, it would create a useless delay to reprint it. Since the opinion given by the law officers, additional and important matter had been produced. If the house relied implicitly on the opinion given by those officers, that would have been an argument against referring the subject to a committee at all. They had, however, thought proper to refer it to a committee, the decision of that committee was now before them, and it was highly expedient to act upon it as speedily as possible. If, however, the delay of a day or two was considered as desirable, they had no objection to postpone the consideration of the report to Thursday.—The house then divided on Mr. Johnstone's amendment; for it, 58; against it, 119; majority, 61. The report was then ordered to be taken into consideration on Tuesday.

[Select Committee on the Eleventh Naval Report.] Mr. Serjeant *Best*.—I rise, sir, to call the attention of the house to a subject, perhaps one of the most important to its own privileges that has ever been agitated within these walls. From the eleventh report of the commissioners of naval enquiry, it appears, that enormous sums of the public money have been raised by loans, and disbursed for alledged services, by order of his majesty's ministers, without the permission of this house, and without any account laid before parliament of such disbursements. Sir, knowing, as we do, the opinion of the public without doors, expressed from every part of the nation, of the laudable vigilance exerted by the commissioners of naval enquiry, to whom other abuses have been referred for investigation, and feeling, as we must, from recent abuses in the expenditure of public money, the necessity which exists, in times like the present, for exerting, with the utmost vigilance, the peculiar privilege which it is the province and the duty of this house at all times to exercise over the public finances; yet, in calling the attention of the house to this subject, I do not mean they should pronounce judgment against the parties implicated, upon the mere evidence of the report itself; for although the facts stated therein may have been proved to the satisfaction of the commissioners, and we have every reason to rely on their veracity, still I am inclined to think, the house, before it proceeds to any measures against the parties implicated, ought to go into the enquiry; and this will be the object of the motion which I shall have the honour of proposing this day. Sir, it cannot be necessary for me to remind the house, that it is the bounden duty of parliament to watch over our constitution, and to take care that no inroads are made upon it by any minister, or any set of men; and more especially that part which comes so peculiarly under the auspices of the house of commons, namely, the security of the public purse. Sir, it is impossible for any man to look at the facts stated in the report on your table, any more than at those other facts of a similar nature, that have come under your consideration, and not to see that the grossest abuses have been committed; and that scarcely any law has been passed for the security of our constitution on those points, that has not been violated. I know not if it will be disputed, whether money can be raised and disbursed in this kingdom, for the service of the crown, without the consent of parliament; but that large sums of money have been so raised and disbursed, we have seen from recent and undeniable facts. It, therefore, becomes highly necessary to ascertain whether loans of money can be raised from the people by the ministers of the crown, without the consent of parliament, consistently with the principles of the British constitution; because scarcely a session of parliament passes without one or more votes enabling the minister to raise loans for the state upon exchequer bills; and if it be the law of the constitution that loans cannot be raised upon exchequer bills, without that permission, it certainly cannot be legal to issue navy bills for the purpose. But though I may entertain no hopes of success in the motion which it is my purpose to offer, it is my duty to bring it forward, and at least to state to the house what former parliaments have done in similar cases, and what opinion they entertained of the power of ministers to raise public loans without their permission. It appears by a resolution of the house, passed on the 7th of June, 1680, that if any person whatsoever should issue exchequer bills, or other government securities, for the purpose of raising sums of money for the service of the crown, without the consent of parliament, he shall be responsible to parliament; and in other resolutions, the same principle is directed against any person who shall purchase tallies by anticipation. But, sir, another principle is, that it must be obvious government cannot raise loans from the public, without the consent of this house: for if this house were once to admit such a principle, or pass such a measure unnoticed, it would not only surrender the most valuable of its privileges, but every other privilege it has obtained, with that would speedily follow. A learned writer upon the constitution of this country (Millar) has said, that it has so guarded every avenue and passage, by wich the prerogative could invade our rights, that the crown cannot raise any loan or supply of public money without the consent of this house, and is, therefore, obliged the more frequently to call meetings of parliament, being unable to levy any money without their intervention. I shall quote another instance, which occurred shortly after the revolution, to prove how jealous the parliament was, in those days, of their privileges on this point. The instance to which I allude, is that of the Bank act, which, in express terms, debars the government from borrowing loans of money, even from the directors of the Bank, without the consent of parliament: and is it probable, I ask, that government should be prohibited from borrowing money from the Bank, and be left at liberty to raise loans from others? The fact is, that the restriction in the Bank act was made on account of the connection existing between government and the Bank, and to guard against the probable influence of the former over the latter, and the consequent facility of procuring thence loans of money. But, sir, it never could have entered into the apprehension of the framers of that act, that ministers might be at liberty to go into the city and search from one street to another to raise money by the aid of brokers. In fact, the reason why they confined the restriction so peculiarly to the Bank was, that they never once suspected any other means would be resorted to. My object therefore is to shew how such evils have been guarded against by the constitution. No member of this house, who lived within fifty years of the revolution, could have conceived that any minister of the crown, or any government in this country, would have ventured to adopt the measures in this way which we have seen practised within the last few years, and passed by without any enquiry. Even since the year 1800, independently of the vast number of navy bills that have been issued in the only legal way they ought to have been issued, namely, for stores and actual services; and which becoming due, instead of being paid off, were taken up by issuing other navy bills, as has of late been the practice at the Bank, no less a sum than 4,300,000l. have been raised by the issuing of navy bills; and of this no communication was ever made to parliament. It appears, page 513 of this report, that on the 2d October, 1802, a letter was written by the secretary of the treasury to the comptroller of the navy directing him to issue navy bills for the sum of 500,000l. for the purpose of raising that sum. One would imagine, by the frequent aud familiar use of this kind of resource, that instead of his majesty trusting to the house as the proper channel for granting supplies, it was only necessary to issue a letter from the secretary of the treasury to authorize the raising of enormous sums upon navy bills. But, sir, my objection goes equally to small sums as well as large; because if you admit a small sum to be thus raised to-day, a large one will be raised in like manner to-morrow. In the process of a little time, any sum, however enormous or unnecessary, may be raised by the crown, without the consent of this house. In this case, sir, it appears, that the order from the treasury issued on the 24th of October; on the 10th of November the money was raised; parliament sat the very next day, yet no communication whatever was made to this house. It is unnecessary for me to state what would have been the opinion of parliament in other times upon a proceeding of this sort. It is however clear, that the enormous sum I have stated has been raised without any application for the assent of the house of commons. It is sufficient for me to say, that this sum was raised at periods, during great part of which parliament was sitting; and that no communication whatever was made. Now, sir, if it be not lawful for the government to raise money without the consent of parliament, will any man say this transaction is legal? What, I ask, is the pretence to justify it? State-necessity will, I allow, at times arise, that may authorize such conduct in a minister; but it cannot prevail for two years together, nor supersede the duty of communication to parliament. As the acts stands, it is illegal. All I ask, then, is, for the house to go into the enquiry, and let it be for those gentlemen on the other side of the house to shew the existence of any state-necessity, not by statements here, but by regular evidence before a committee. By law the crown is restricted from borrowing money for any purpose, even for paying debts, without the consent of parliament; and here no new circumstance appears, for which a minister could not have been prepared to justify the measure upon the ground of exigency. But, sir, there is another circumstance of which I complain still more than of that which I have stated: for though I feel that, on the part of ministers, standing in the situation they do, it was a high violation of the law of the country, as I understand the report (and I shall be glad to find I have misunderstood it); from the explanation I shall this day receive (I allude to the manner in which they have paid away the money, and which, in my mind, is still more reprehensible than the mode of raising it); it was surely their duty to have submitted the whole of the circumstances under which they acted to parliament, and the proof of necessity would have obviated all objections to complete indemnification. In page 449 of the Report, you find, by the question put to sir Andrew Snape Hamond, and his answer thereto, that those bills were issued for the purpose of raising money, and not for stores furnished, or actual services rendered, which would have been the only legal ground; and in the next statement you find them stated as bills regularly issued for stores received and services rendered. This, sir, was a most gross imposition upon the house; for instead of being issued to discharge debts to come due in the course of the current year, they are appropriated to pay the debts of former years; and those are circumstances which, if parliament had not been imposed on, it would never have sanctioned or consented to such a violation of its own privileges. Such a conduct, sir, I submit, was in the highest degree reprehensible, and if such attempts to impose on the house, by the production of false vouchers or false returns, be permitted, the consequence must be to destroy all confidence in the accounts stated by ministers. No transaction can be more repugnant to law: possibly it may be explained away; but until I have other proofs, I must agree with the opinion expressed by the commissioners in their report, that they see no reason why there should have been any departure from the usual form of proceeding, and resort had to such measures as these; measures which, I believe, would never have been discovered, but would have remained for ever concealed from the house, had it not been for the talents and vigilance of the commissioners of naval enquiry. If it was possible that any such state-necessity could exist for two years, what becomes of the boasting statements made during that time to this house? For instead of the country being in that miserable state of exigency which called for such desperate expedients, the right hon. gent. constantly stated, in pompous language, that we had abundant resources to carry on the war in which we were engaged. Whereas, it would now appear, we were in a state of poverty. I can suggest but one of two reasons that could actuate any minister in such a case; namely, that either his estimates must have been short of the proper amount, or a part of the money voted for naval services must have been employed for the purposes of the army, or some other service; and this too would be another instance of violation of the law, which strictly forbids the application of money, voted for one purpose, being appropriated to any other. How has it happened that money was not provided, when the navy bills are issued at three months, and therefore could not come by surprize?—Sir, I think I have proved that there is ground to charge his majesty's ministers in this case with a violation of the law, a misapplication of the public money, and a gross deception upon this house; and unless the right hon. gent. can shew that I have totally mistaken that report, and justify his own conduct, it must be plain that he has violated the constitution. At all events, I have shewn enough to prove the necessity of going into enquiry.—I have to complain, in the next place, of another violation of law, in taking from under the control of the lords of the admiralty those transactions, for the success or failure of which they only are responsible, and transferring them to that of the secretary of the lords of the treasury, who have no more to do with them officially than the lord chancellor. Sir, I will say, that any commands so given to any naval officer, not sanctioned by the first lord of the admiralty, ought not to have been obeyed. It has been settled by an order of council, as appears in page 499, that all naval juries must be directed by the lords of the Admiralty, and any difference of opinion be ultimately subject to the control of the first lord; all navy contracts, except for secret service, must be made under his direction. You will find, that 100,000l. has been raised by navy bills, for secret service, by the same illegal mode. But it must be obvious, that navy bills cannot be legally issued for secret services; the proper fund provided by law for secret services being the civil list, under what is called the civil list act. And the right hon. gent. who introduced that bill, so framed it, because he knew no other proper source, as ministers were responsible to parliament for all sums voted them for specific service, but not for secret service; and therefore it could not be supplied from any sum for the appropriation of which ministers are responsible. What security then has the house for the disposal of such money? not even the oath of the minister, as in the case of such service; nothing but a mere assertion; in which case, I beg to ask whether parliament can be said to have any control at all? But if this is the sort of *quietus* by which a minister is to cover the expenditure of such a sum as 95,000l. in one instance stated to be paid to a man whose name even is not mentioned, and 16,000l. in another, for services of too delicate a nature, forsooth, to be disclosed even to the commissioners of enquiry, I know not to what extent profusion and irresponsibility may travel *pari passu.* But his majesty's ministers, not satisfied with violating the law, violate even the rules laid down by themselves. If, however, the commissioners of the navy, and those of naval enquiry, are men not fit to be entrusted with such confidence, they are unworthy of their offices, and ought to be dismissed. I admire, however, this fastidious delicacy, which can disburse such sums as 95,000l. in one instance, and 16,000l. in another, without even a memorandum of the mode of expenditure, while the latter turns out to be the ever memorable stone expedition, known to every waterman on the river long before it was attempted, in vain, to be carried into effect.—Having now, sir, stated to the house, the ground of my motion, I do not call upon it to pronounce judgment. We stand upon a different footing from that of a former night, when you, sir, by your decision, did so much honour to yourself and the high and important station you fill. There our judgment was warranted by the admission of the party accused; but here we have no such ground to go upon. The house, however, is called upon to investigate, and the right hon. gent. has told us that he will not oppose any investigation, as far as it goes towards his own conduct; but whether it is his pleasure or not, it is not for us to enquire. It is our duty to investigate. We owe it to the country. His majesty's ministers may, perhaps, make out a case for their own justification, but they are bound to govern the country, not only wisely and justly, but according to law. I have in my hand an old statute of William III. which lays it down as an indispensable maxim, that all kings and queens, who assume the government of this country, shall be bound to administer it according to the laws of the land, and not by their own will, caprice, or private judgment; and that no minister shall be allowed to depart from this law with impunity. Sir, it was objected to the motion of an hon. friend of mine (Mr. Fox), for the emancipation of the catholics the other night, that it could not be granted, because it was contrary to the established law of the state, and might endanger the constitution. I hope, sir, the same srcupulous regard for that law and that constitution, will operate also in this case, and that no minister will be allowed to violate either. I shall now move you, sir, "that a select committee of this house be appointed to take into consideration the eleventh report of the commissioners of naval enquiry, and report their opinions thereon to the house."

The *Chancellor of the Exchequer* said, it would not be necessary for him to trouble the house long, as he was so far from wishing to oppose the enquiry proposed by the hon. and learned gent. that the appointment of a committee for that purpose was the object of his particular desire. He was sure the result of the enquiry would be, to explain the matters referred to by the hon. and learned gent. in a manner perfectly satisfactory to the house; and it was the more necessary these matters should be so explained, as the hon. and learned gent. had had room so completely to mistake them. He could not, however, agree to the motion in its whole extent, because that part of the report which related to secret service could with propriety be referred only to a secret committee. Whatever was not of that nature, he was ready to allow to go to a select committee. As it might be inconvenient that two committees should sit at the same time on the same subject, the same witnesses being likely to be examined by both, and perhaps to be wanted by both at the same time, he should recommend, that the committee for the general matter be instituted first, and when that committee should have made its report, the committee for the secret matter may be appointed. Though he agreed thus generally in the objects of the motion, he could not help offering some observations on what had fallen from the hon. and learned gent. First, as to the idea that issuing fresh navy bills to renew others, or to raise money to pay them off tending to nothing else than a suspension of parliament, the sittings of which it would render unnecessary, striking at the same time at the vitals of the constitution, he had to observe in the first instance, that this was not the opinion of the commissioners of enquiry, whose diligence, talents, and integrity, were so much commended by the hon. and learned gent. They were satisfied with saying, that they did not suppose the practice arose from any indirect motive, though it was irregular. The hon. and learned gent. had argued with more eloquence than was necessary, on a point which nobody could be inclined to dispute, that it was the duty of kings and their ministers to govern according to law. But the hon. and learned gent. had overlooked the practice that had so long prevailed from session to session, on the necessity inevitably felt of incurring a navy debt from year to year, for services not provided for in the year preceding. This practice had been long recognized and had never been complained of. A measure which he had the honour to recommend, had rendered the issue of these navy bills more economic, and had been the means of saving millions to the country in the last war. This was the system of paying all bills at the day, for if money was not ready to pay thus, the credit must of course be impaired. The reasons why the navy debt grew up were various, arising from the nature of the service, and the manner in which it was provided for. The house voted a certain number of seamen, which was made the ground of a rough charge under all the different heads. The pay might perhaps be calculated with some accuracy, if the numbers did not vary; but the wear and tear, victualling, extraordinaries, stores, and other expences, were necessarily uncertain in their amount. It would not besides be denied, that his majesty, if he saw occasion, had not a right to increase the number of seamen employed, while parliament was not sitting. The prices of stores and victualling fluctuated from year to year, so that it was impossible any estimate could preclude the necessity of incurring navy debt. The measure which had been taken, at his recommendation, in the last war, of increasing the allowances from 4l. to 7l. a month, had gone very far to reduce the accumulation; but it was impossible to prevent the debt altogether. The practice of issuing navy bills was as old as the revolution. For a long time the only regulation with respect to the payment of them was, that those of longest standing should be paid first. Thus they may be outstanding for fifty or sixty years, without any absolute obligation to pay at any precise time. The alteration that had been adopted in 1794 went not to prevent the issue of bills, which was impossible, but to provide that they should be paid at the end of 15 months. The object of this regulation was to relieve the bills from the difficulties under which they laboured in the American war, when the uncertainty of payment rendered them subject to a discount of from 12l. to 18l. per cent. This provision not being found sufficient, it was settled in 1796, that they should be paid at three months. This regulation did away the discount, and was the means of saving many millions to the nation. It was intended not to prevent the issue of the bills, but to remedy the depreciation of the paper, and to facilitate the public service. It happened that some of these bills could not be paid at the end of the three months, from causes which the committee about to be appointed would enquire into, without breaking in on the money reserved for the expences of the dock-yards, wages, and other expences, an immediate fund for which was indispensable. It was necessary, therefore, to issue fresh bills to those of the former holders, who were willing to accept them as a substitute, and to raise money on the credit of others for those who insisted on payment. This amounted to nothing at the utmost with respect to the holder than the payment at six months of what was before paid at fifteen. The money being raised for the purpose of paying bills issued for naval purposes, was, bonâ fide, applied to naval services, and fairly accounted for to parliament as such. The hon. and learned gent. on this ground supposed a fictitious account, calculated to destroy the credit of all documents laid before parliament from the public offices. He supposed the documents purported that the bills were for one service, while the committee would find they were for another. There was no list of the particular application of the sums of money voted for naval services laid before the house, only an account of the collective amount of the sum granted, stating that it was applied to naval services. It was to be supposed, however, from the professional habits of the hon. and learned gent. that he would not lightly prefer a charge of such a serious violation of the law; and therefore it was to be expected, that from whatsoever source he might have derived them, he should come to the committee prepared to give proofs of the charges he had made; or, in failure, that he should return to the house prepared to retract them. It would be recollected that the year 1800 was a year of peculiar difficulties. We had an internal visitation of scarcity, which was not only a cause of general distress, but had the effect of enhancing the public expences connected with the feeding of our fleets and armies in a very great degree indeed. In that year also, towards the close of it, we were menaced with a confederacy of the Northern Powers, who had assumed the character of hostility to us on points essential to the honour and safety of our empire. Great exertions became necessary in consequence, for the equipment of our fleet; and the services of the noble lord, then at the head of the marine department (earl Spencer) on the occasion, would ever be remembered with gratitude. The consequence, however, was great difficulty, and a great increase of cost in most articles of naval stores. The increase in cost was not less than from 40 to 80 per cent. This expence did not go on as the hon. and learned gent. supposed, from March 1800 to May 1802. For the latter part of this period, he was not responsible, but he was willing to take the responsibility upon him. The hon. and learned gent. had fallen into a mistake on this point; and from the manner in which the report adverted to it, there was reason to think the commissioners themselves had made a similar mistake. The issues the hon. and learned gent. noticed so particularly, began in Oct. 1800, and ended in March 1801. They ended as soon as the loan for that year afforded means of making arrangements for the payment of them. The other issue began in Sept. 1801; the difficulties continued to the spring of 1802. The preliminaries of the peace had been negotiated in the early part of this period, but the definitive treaty was not concluded till near the end of it. No loan could be made while the price of stocks fluctuated in the uncertainty between the two periods, so as to leave no room for a satisfactory bargain. As soon as the loan afforded the means of an arrangement, it was made, and the issue had not been since recurred to. He thought it right, even in the present stage of the business, to offer this explanation. He wished for the enquiry, and he was sure it would be proved by the accounts the committee would have to refer to, that the conduct so much complained of, was not deserving of censure. As to the ninety day bills, that could not be thought a subject for grave enquiry. Perhaps the difference between eighty-nine and ninety days was allowed for in the bargain; or the contractors might have thought it so little, being only 3½d. in 100l. as not to be worth attending to. Even Mr. Goldsmid, whom he mentioned with respect, accustomed as he was to calculations of this kind, had suffered this difference to pass without notice. It was therefore not to be wondered that it escaped the navy board; and it was hardly to have been expected that the house of commons would look to it with a microscopic eye. The thing had been, besides, corrected before the committee of enquiry had been instituted. With respect to the secret service, he should not enter into it much. No disclosure could be made, consistently with a regard to what was due to the public and that good faith due to the merits of the individual principally concerned; but he did not hesitate to say he was satisfied the committee would find it was a service which it was the duty of the government to promote, and that the merit of the individual principally concerned was deserving of the highest consideration. The circumstances did not admit of disclosure at the time, nor did they now. But the committee would report on the merits of the service, and that it was strictly naval in its nature, and intitled to be paid for directly out of the naval money, if it could have been disclosed at the time.—This he was sure would be made out to the satisfaction of the house, and of the learned gentleman himself. Secret service money was not to be issued from the civil list, though sums occasionally voted in aid of the civil list, may be so applied. The hon. and learned gent. could not possibly think, that admirals or general-officers on foreign stations, were not at liberty to apply money to the purpose of procuring intelligence, and that such money might not be paid out of the sums voted for army or navy extraordinaries. As to the stone expedition, though the report of it may have reached Westminster Hall, though it may have reached the ears of the hon. and learned gent. unaccustomed as they were to such things, yet it may have been matter of public interest to keep it as secret as possible, particularly before it was completed. The circumstances of the other service he had alluded to, could not for a long time be made public; and possibly the committee might be of opinion that they never could be. Enough appeared to shew, that the stone expedition was known to the first lord of the admiralty, that it met his approbation, and that it was a service perfectly naval in its nature. He had great satisfaction in agreeing to a committee to enquire into the general matter of the report. When that general report should be brought up, as he believed it might be in a very few days, he would move for the appointment of a secret committee, consisting of five members, to enquire into the secret matter. On these grounds he should move, as an amendment, that a committee be appointed to enquire into the matter of the eleventh report, "except so far as relates to the 100,000l. issued for secret naval service."

Mr. *Fox* said, he should not feel it necessary to occupy the time of the house many minutes, as he did not mean to object to the division of the committee. As the right hon. gent. however, had thought proper to enter into a discussion of some of the topics adverted to by his learned friend, he trusted he should be indulged in making a few observations. The right hon. gent. seemed to think that part of his learned friend's argument unnecessary which stated, that a king of this country and his ministers should govern according to law. In this he differed from the right hon. gent. because there was no truth that should be more strongly impressed on the minds of ministers, than that the house had the right to exercise its constitutional control over the public expenditure. The more they should investigate, the more they would discover that the law of the land had been sacrificed to convenience. This practice had increased very considerably lately, and if not seasonably checked, might lead to consequences such as his hon. friend had stated. But they could not be carried to the extreme, as in the time of Charles II. because the sitting of parliament would be necessary in the end, in order to provide the means of paying the money thus raised. He was sure the right hon. gent. would not disallow, that the most essential duty of that house was to take care that no money should be raised but in a manner approved by parliament, nor applied but to purposes for which it should be directed by parliament.

The house had not given any approbation of the manner in which money had been raised by these bills. The right hon. gent. had adverted to the manner in which navy bills were formerly issued, which practice he allowed to be bad, and had stated that the present mode had been adopted with a view to economy, and as not being inconsistent with the constitution. He had himself supported the right hon. gent.'s bills, because he believed the former practice unconstitutional, and inconsistent with economy in the public expenditure. That, too, had been the impression, he believed, of the right hon. gent. himself when he first came into parliament, and took so meritorious a part in the committee on the extraordinaries of the army, he meant the committee of which the first lord Camelford had been chairman. It was then considered as injurious to, and inconsistent with the constitution. The right hon. gent. had substituted bills at 15 months, and afterwards at 90 days. This altered the law, and, therefore, in a constitutional view he could not deem it correct to renew the manner that had been practised before that alteration.—There were many things that required further investigation, and particularly the manner in which this money had been finally paid. It should also be enquired into, whether these navy bills might have been continued consistently with law. If such a mode were once to be admitted, it would amount to an issue of navy bills without the sanction of parliament. He had himself no doubt that the practice was contrary to law; but he should not then give any final opinion. It was a different case altogether, the suffering the extraordinaries of the army and the navy debt to accumulate, from the issue of these fictitious bills pretendedly issued for services specified, when they were really issued to raise money only. This was an irregularity which required investigation. As to the other point, that it was not worth referring to the committee the difference between the 89 and 90 days discount, he agreed with the right hon. gentleman. But he did not think that the circumstance having escaped the notice of the Messrs. Goldsmids, gentlemen, whom he had not the honour to know, but of whose conduct he had a high opinion, was any argument in justification of its being overlooked by the navy board, because undoubtedly, if these gentlemen had been informed that they had a right to the difference, they would have taken it. As to the secret service money, the right hon. gent. had put it on a good footing, by proposing to refer the consideration of that part of the report to a secret committee. As to the secret services in general, he thought it extremely desirable that the sum expended should be accounted for on oath, in the same manner as money applied to such services from the civil list under the provisions of Mr. Burke's bill. As the executive government was the channel through which all the sums voted for the public service were to pass, it was extremely desirable that such sums should be accounted for to the house. But on this subject he should not say more till after further enquiry. It appeared to him from the report, that the order of the council had not been complied with in the expenditure of this naval secret service money, nor the authority of the lords of the admiralty attended to. As to the stone expedition, he was ready to admit that the first lord of the admiralty, if he disapproved of it, ought not to give it a kind of tacit consent. But then his consent should have been obtained in form and under his hand, after consulting him upon it, and not by communicating it immediately and collaterally when determined on. The first lord of the admiralty should have signified his consent by his signature, and then have been responsible for the measure.—He was glad that an enquiry was to take place on this and on other subjects, in order that it might be discovered in what respect the laws had been complied with, in what respect they had been sacrificed to convenience, and in what respect it would be necessary for parliament to interfere to prevent any such sacrifices of law in future, unless where circumstances should call for it. He did not presume to deny that there might be exceptions, in which such a sacrifice would be necessary; but as the power of making such sacrifice was liable to much abuse, parliament was the more bound to take care that it should not be unnecessarily exercised.

Sir *Andrew Snape Hamond* said, he had entertained hopes that the paper on the table would have satisfied gentlemen on the subject of the transaction which had been alluded to. The reason why he had not had the intercourse with the then first lord of the admiralty which ought to subsist between the first lord of the admiralty and the comptroller of the navy was, that earl St. Vincent had resided mostly in the country. He had consented to superintend the stone expedition at the desire of the secretary of state, who had written to lord St. Vincent on the subject, and received an answer conveying his lordship's approbation of the project. When the vessels were ready to sail, he wrote himself to lord St. Vincent. In all this he did not think there was any thing that could justify any reflection on his conduct. So far from having wished to make himself independent of the admiralty, he had ever wished to take the instructions of the first lord of the admiralty. As to the charge of having paid 90 days discount instead of 89, the time had been calculated from the day of the issue to the day of payment, both days inclusive, conformably to what took place in the commonest occurrences in life. A person taken into employment on one day, and discharged at the end of a month, should be paid for his time, including both the day of being engaged and the day of his discharge. The manner of issuing the navy bills had been the same as was always pursued, and it was really incomprehensible what made the committee report on this point. When the new mode of issuing navy bills had been adopted in 1796, navy bills were at a discount of 15 per cent. and on the expenditure of seven millions in 1797, there had been a saving of above a million to the public by the new mode. When the expenditure increased, the benefit had been greater. When the issue of navy bills had been made on the 24th of October, 1800, there was but 900,000l. in the treasury; and he asked in what manner the money could be so well procured? He was happy to bear testimony to the conduct of the Goldsmids. They never delayed the sums wanted a single day or hour. If the house knew of what value such punctuality was to government, they would view this transaction in the light he did. He was happy to state, that the navy bills were in as much credit as ever; and if they should not continue so, he was sure the navy service would be reduced to the embarrassments with which it had been affected during the former practice.—The question was then put, and the chancellor of the exchequer's amendment agreed to. The committee was then ordered to consist of 21 members, and to be chosen by ballot to-morrow.—Adjourned.

HOUSE OF LORDS,

Friday, May 24.

[MINUTES.] The final decision upon the Irish appeal cause, Redington *v.* Redington, was, after some observations from the lord chancellor upon the nature of the case, postponed till Monday.—The bills upon the table were forwarded in their respective stages, and several private bills were brought up from the commons, and were severally read a first time.—The lord chancellor acquainted the house that he had received a letter from a noble peer (the earl of St. Vincent), respecting his attendance on a committee on the other house of parliament. This was read by the noble and learned lord, and the purport of it was that, were he permitted by the house, he did not entertain the slightest objection to attend the committee as required, or to having any part of his official conduct examined into. Lord Auckland moved that a message be sent to the commons, desiring to know the grounds and purposes for which they required the attendance of the earl of St. Vincent, upon the committee appointed to enquire, &c. which was ordered accordingly.

[CONDUCT OF JUDGE FOX.] Lord *Carlton* rose, and observed, that this being the day appointed for the house to resolve into a committee to enquire into the charges against Mr. Justice Fox, it became necessary, from particular circumstances, to request of the house the indulgence of postponing this enquiry a few days longer. Not at all from any unwillingness or impromptitude on the part of the learned judge to meet the charges against him; for he begged to remind the house, that from the first moment that learned judge had heard of those charges, he professed not only his readiness, but his most anxious wish to meet enquiry, and to be put upon the vindication of his character and conduct. It was his wish to have been heard by counsel at the bar of that house, and nothing was farther from his desire than the slightest delay or evasion. But on account of the non-arrival of some papers material to his defence, it became necessary to request their lordships to postpone for a few days longer, the proceedings in this business. The noble and learned lord concluded by moving to discharge the order of the day, and to appoint the committee for Thursday next; which was agreed to.

[STATE OF THE NAVY.] Earl *Darnley* rose to bring forward his promised motion, in consequence of the notice he had given on a former day: that motion he felt it necessary to preface by some observations on the subject of the enquiry it was his object to propose for their lordships' adoption; and he apprized their lordships, that the tenor of his motion would be directed to the appointment of a select committee to enquire into the abuses which had obtained in the naval department. It was particularly worthy of remark, that the long list of papers for which he had moved in the month of March last, and which had been refused to him by his majesty's ministers, had been since granted, upon the motion of an hon. member in the other house of parliament. In order to enable their lordships to enter into a full enquiry upon this subject, it would not only be necessary for them to investigate those papers, but several others for which it was his intention to move, should the house think fit to adopt his motion for the committee. In the investigation to which he had no doubt their lordships would readily be induced to accede, he desired expressly to disclaim all views of personal asperity towards any officer of his majesty's government. Public justice was his sole motive; nor had he any other object than to render justice to those who should be found to have deserved well of their country, and to discover and bring to account those whose conduct had been of the contrary tendency. The papers for which he had already, and might hereafter move upon this subject, were for the purpose of enabling the house to form a comparison between the conduct of the *late* and *present* board of admiralty, and to ascertain which had acted most meritoriously for the public service. Whether that board had acted most wisely and efficiently for the public defence, who had dismissed from the public service a number of useless ships which crowded, without strengthening our navy; which declined the giving contracts for ships to the merchant-builders, and preferred the building of our vessels of war in the king's yards; which dismissed useless and ineffective officers and artisans, and employed only those that were active and efficient; which directed investigation into abuses and peculations in the various departments of his majesty's dock-yards, and put a stop to the most flagitious and profligate system of profusion and waste of the public money: or that board of admiralty, which reversed this system, and by giving contracts for ships to the merchant builder, increased the number, but most materially impaired the strength of our navy, by crowding it with ships at an enormous expence, but absolutely useles to the service. The papers now on their lordships' table, consisting of the reports of commissioners appointed by the other house of parliament, abounded with strong instances, and laid before their lordships sufficient parliamentary ground to shew the necessity of going into the enquiry. In looking over those papers, one of the first objects that struck his mind, was the purchase of some ships of war from the merchant builders, at the enormous rate of thirty-four pounds per ton; some of which, nevertheless, so far from being serviceable to the navy, or adding to its strength, were absolutely useless. He would select two for the present, and the house would be best able to judge, from the report of the officers appointed to command them, whether or not they were of use to the service. The one was called the Hindostan, and was attached to admiral Russell's squadron; and he would read from the report a letter for the captain commanding that vessel, his opinion of his fitness and efficiency: the other was called the Mediator, of which the house would also be enabled to judge from the letter of her captain. The noble lord read the letters from the captains of both ships; from which it appeared that both were so ill built, so utterly disproportioned in their masts, rudders, ropes, rigging, and guns, and so high above the water, as to be totally unmanageable and unfit for service. They were both under fifty guns, and yet they cost the government as much as seventy-four gun ships built in his majesty's dock-yards; and, what was still worse, some ships of the line were actually stript of a principal part of their crews to man those useless vessels; and thus the means of our defence, instead of being strengthened, was considerably weakened, and our navy reduced to a state much below what it was at the time when a noble lord sat at the head of that department, who retired from office, and who had been, by certain persons to whose proceedings he was not friendly, censured for his conduct in directing the affairs of the navy, which, in his (the noble speaker's) mind merited the universal approbation and gratitude of the country. What he would wish was to contrast the state of the navy at present with that in which it stood under the direction of his noble and gallant friend. It might indeed have a greater number of ships, but were they so well manned, appointed, or prepared to meet that active and enterprising enemy with whom we have to contend, and who has never relaxed one moment in his exertions to increase his strength, and facilitate the accomplishment of his views against this country? He would ask his lordship, whether, when his noble, gallant, and venerable friend was at the head of the admiralty, any such event had occurred, as two formidable fleets of the enemy triumphantly proceeding to sea, and roaming no one knew whither, in despite of our boasted navy and blockading system; while our West India islands were attacked and ravaged by another of the enemy's squadrons? Let their lordships judge, from this circumstance, to which praise or censure was most due, the late or the present board of admiralty. Another ground of condemnation was, the system of taking ships from the merchant contractors, instead of building them in the king's dock yards, by which means a number of competitors, encouraged by those contracts, were brought into the market to outbid the government in the prices of labour, timber, and every material for building and stores. Thus the expences of building in the king's yard were increased almost in a double ratio. If their lordships would be at the trouble of examining the papers upon their table, they would perceive a most striking instance of this kind resulting from the contracting system, where, in the space of a few weeks, no less than 170 able shipwrights, in the prime of life, quitted the service in the king's dock-yards of Deptford and Woolwich only, for the purpose of being employed at much higher wages in those of the merchant contractors, to build those very ships which, he would contend, but for this system, could be built considerably cheaper, as well as infinitely better, in the king's yards; and he would aver that those 170 men were competent to build the ten seventy-four gun ships now contracted for at 36l. per ton. Could any case be stronger than this to prove the badness of the system on which the business of ship building was conducted? But if flagrant cause for censure existed in that department, it was still worse in the contracts for repairing, for it appeared that the repairs of the Magicienne, the Andromache, the Flora, and another vessel, which he named, cost, in 1793, the enormous sum of 65,000l. by contract, and might have been built at the then contract price for little more than 40,000l. Here then was a palpable instance of the ruinous principle of repairing by contract. It was said, that in the king's yards there was not room for laying down first rates. He denied the assertion, and stated that there were in all the yards, twenty slips large enough for first rates, which, supposing each to require two years in completion, would be competent within that time to increase the number and strength of our navy greatly beyond any necessity. But the number of hands engaged in our dock-yards (greatly reduced, on account, as was alledged, of the numbers dismissed by the first lord of the admiralty) appeared by the papers to be greater when lord St. Vincent went out of office, than at present. From the bad supply of timber, and the shameful mismanagement of mixing hands, all sorts, good and bad, and paying all equal wages, instead of striking the men into classes, and employing each upon the work to which they were most competent, the business of the yards was most tardily conducted, and at an enormous expence. The persons who proceeded in this shameful manner seemed to have forgotten the voluminous report on their lordships' table, or to suppose at least that they were deterred by its magnitude from looking into its contents. Not intimidated by this consideration, he had looked into it minutely, and felt himself every where appalled by the enormity of the peculation, and also the profusion which it exhibited. Not wishing to go into particular detail at this moment, he would just advert to the sixth report, which exhibited such scenes of perverseness, mismanagement, and criminal profusion, as he did not think it possible could have existed in any system, and more especially under the eye of a navy board, appointed to conduct the business of a great nation, and formed of men professing character and competence for their post. Among other instances which this report presented, was one, where a charge had been made for certain repairs and additions to a ship at 10s. and in another place, for work executed precisely in the same manner, 10l.; and yet both charges were signed by the navy board. How it was possible so gross and shameful an instance of extortion upon the country, as that of charging pounds in lieu of shillings, could have passed the vigilance of any public board, unexamined, was to him utterly inconceiveable.—The noble lord then proceeded to examine many other parts of the report, and upon the whole condemned, in the strongest terms, the criminal and atrocious instances of negligence, profusion, waste, and peculation, it exhibited. Again, the noble lord disclaimed all personal views in this enquiry, yet he could not but feel that the noble earl behind him (lord St. Vincent) was deeply interested. He should not advert to the malicious rumours which had been industriously circulated, nor the virulent pamphlets, and other scandalous libels that had been directed against that noble earl. The noble earl had been termed, by some authority too, the greatest enemy the country ever saw. But standing there, as the friend of that noble earl, only because he believed him to be the friend of his country, for he had the honour of very little of his personal acquaintance, he could not sit down without giving (however unnecessary it might be) the most decided contradiction to such slanders [hear! hear!] That noble earl, after having vanquished the enemies of his country abroad, and crowned her standard with trophies in every quarter of the globe, had returned to vanquish her still worse enemies at home. That noble lord was not the patron of peculators, but the detector of abuses. He did not, however, call their lordships' attention to the situation of the noble earl upon any consideration of his public services, brilliant and invaluable as they had been to this country; he merely besought for him justice at their lordships' hands, against the base and unfounded imputations rumoured by those who, in revenge for his detection of their misdeeds, had endeavoured to injure his character. Instead of being the worst enemy of his country, he would aver him to have been her best friend. By him it was that the enquiry was set on foot, which led to the detection of so many and such enormous frauds upon the country. He had set his shoulders to the wheels, and in spite of art, influence, and evasion, undaunted by the number as well as the magnitude of those impediments he had to encounter, he pushed that enquiry to the utmost, and set an example to that house, which his country had universally applauded, and which the noble lord hoped their lordships would adopt. Lord Darnley concluded by moving, "that a select committee of their lordships be appointed, to consist of the duke of Clarence, the marquis of Buckingham, lord Winchelsea, lord Albemarle, lord Ducie, lord Auckland, lord King, and four or five other peers, to take into consideration the several papers on the table, respecting the state of the navy."

Lord *Melville* rose, and spoke as follows:—My lords; the noble lord has stated now, as he did when he moved for some of the papers on your lordships' table, two charges against the conduct of the board of admiralty, at which I had the honour to preside. The noble lord has accused us of incurring a great and unnecessary expence by purchasing vessels which were useless, and unfit for service. He has also charged the admiralty with having been grossly in error, in building ships in the merchants' yards. To these charges I trust I shall be able to answer to the satisfaction of your lordships; and the noble lord will do me the justice to recollect, that I never made any objection to the enquiry which he proposed to institute, being always ready to meet it; nor did I refuse my consent to the production of most of the papers for which he called, though I objected to one of the motions of the noble lord, because I was satisfied that it would create unbounded trouble in the public offices to prepare the papers to which that motion extended, and because the production thereof would only burden your lordships' table, without any useful information being derived from them. How far I was well founded in this conclusion your lordships will now be enabled to judge.—One volume out of three, of which that correspondence consisted, is upon your lordships' table; and the only use the noble lord has made of it has been to quote from it two letters. It may therefore be presumed, that if the whole of that correspondence had been produced, it would have been of but little, if any, use whatever.—In reviewing the arguments which the noble lord has introduced, I cannot help thinking, that he has totally mistaken the object of his own enquiry, as it does not go to institute a comparison between the conduct of the board of admiralty at which I presided, and the former board of admiralty, but a comparison of the conduct of every board of admiralty that has subsisted for these twenty years past, the board at which I presided having only followed the example of every preceding board during that period, with respect to building in the merchants' yards. At present I only make this observation generally, as I shall have occasion, in the sequel, to enter into a detailed illustration of the fact I have stated.—I now come, my lords, immediately to the charge which the noble lord has brought against the admiralty, for having purchased vessels which were unfit for service, and for having had many of these vessels fitted and repaired in the merchants' yards at a great expence.—With respect to the purchase of ships, if there be any crime in it, I plead guilty to the charge. Let me, however, entreat your lordships to recollect what were your own opinions and your own feelings, when a noble marquis, somewhat more than a twelvemonth ago, proposed to bring forward a motion relative to the defence of the country. Every one knew the object of that motion to be similar to one that had been brought forward in another house, but more especially with the view to increase the number of vessels of the smaller and lighter classes, of which we had not then by any means enough for the service for which such vessels were more particularly wanted,—namely, to contend against the flotillas which were collected at Boulogne, and other ports on the French, Flemish, and Dutch coasts. Serious apprehensions were entertained at that time upon this subject; in consequence of which I thought it my duty to give my earliest attention to it.—With the view therefore of appeasing the clamour and removing the dissatisfaction, which, from the want of vessels of the description I have just mentioned, had been so generally expressed, I lost no time in ascertaining the exact state of our resources in so far as regarded every description of vessels, which were either then at the disposal of the crown, or which might be obtained in the shortest possible time; and I found that to the force allotted for the service of the north sea, for the blockade of the enemy's ports in the narrow part of the channel, and for the protection of our own coasts in that particular direction, considerable additions might speedily be made. I therefore desired that fifteen armed transports, which were lying at Spithead, and seven, which were in Loch Ryan, should be immediately ordered to join lord Keith, whose force, when I came into office, amounted to one hundred and twenty-one ships and vessels of war, exclusive of hired ships and craft of various descriptions.—To the above twenty-two armed transports, which were all coppered, I found, that by giving a premium of not more than 8000l. a further addition might quickly be obtained of thirty-nine sloops and gun-brigs, which, just before the change at the admiralty, had been contracted for. The whole of these vessels were, in consequence of this encouragement, brought forward with the greatest expedition, some of them months, but all of them several weeks, earlier than they would have been furnished according to the terms of the contracts.—Besides the vessels already mentioned, orders were given, as will be seen by the papers on your lordships' table, to purchase and to build the ships and vessels therein described, amounting in the whole to seventy sail.—It was still thought necessary to make a further addition to this force, and with this view the gun-brigs and mortar vessels have been contracted for since the first of June last, as will be seen by a reference to that document: these amount to thirty-seven sail;—so that the whole force either actually added, or in a state of forwardness, appears to amount to one hundred and sixty-eight vessels more than there were on the day of my succeeding to the office of first lord of the admiralty.—With regard to the expence incurred for the purchase of the vessels that were brought into the service, little can, I think, be said in objection to it, although the noble lord, who opened the debate, has endeavoured to lay considerable stress on that point, as well as upon the unfitness of some of those vessels, from the circumstance of their being a little crank from want of sufficient ballast, and from their not having exactly the qualities which vessels built especially for the purposes of war generally possess.—The Hindostan, Mediator, and Hyæna, the ships to which the noble lord particularly objected, are now all upon distant service, whither they have been detached with valuable convoys; and such other of the purchased vessels as are not now actually employed in the blockading squadrons off Boulogne, or off the Flemish and Dutch ports, are also appropriated to the convoy of our foreign or coasting trade, whereby we have been enabled to allot, for other services, ships of superior qualities, which must necessarily have been appropriated for convoy, if we had not had recourse to this measure, which circumstances at the moment so imperiously called for. Upon this part of the subject now under your lordships' consideration, I trust that this elucidation will be found to be satisfactory.—Having stated what I think will be sufficient to explain to your lordships the grounds on which I was induced to recommend the increase of vessels of the smaller classes, and the measures taken for that purpose, I will freely confess that, although the chief dissatisfaction prevalent in the public mind was on account of the deficiency of small vessels, my own apprehensions were infinitely stronger when I contemplated the state of the superior classes of ships, but more especially those of the line: and the more I looked into this subject, the more serious those apprehensions became.—I shall now state to your lordships how far measures have been taken to restore the British navy to that strength and vigour of which I do affirm it stood in need, and which the situation of the country required at the time I entered upon the duties of my office at the admiralty.—For the purpose of obtaining accurate information upon the subject, I desired that a return might be made out, of the number of ships of the line then in commission, together with their state and condition. This return was accordingly prepared, by which it appeared that the state of the ships of the line in employ was as follows: viz. thirty-seven, which might probably last five years; twenty-seven, three years; and seventeen were considered as fit only for home or limited service; making altogether a total of eighty-one ships of the line.—Considering the situation in which the country then stood, I do explicitly declare, that this was not such a state of the fleet as circumstances appeared to me to require. Eighty-one ships of the line were certainly more than adequate in point of number to the ships of the enemy, including those both of France and Holland; which, according to our intelligence, amounted to about sixty-five sail; but the enemies' ships might probably, in one respect, be considered as superior to those of this country, from the circumstance of their having been kept almost constantly in their own ports during the greater part of the late war, and being consequently in a better condition than ours, which had been perpetually employed on the most active and arduous services. Many of our ships had been employed in the blockading service; the tendency of which at all times, but particularly in the winter season, and when the ships have been long in service, is to cause a rapid and destructive wear of those so employed. Besides, it is necessary to observe, that the report of the state and condition of our ships was drawn up in rather too favourable a manner, as many of them had been already a considerable time in service; and though in the ten months subsequent to my entering upon the duties of my office, ten or eleven additional ships of the line were put into commission, they only sufficed to replace those which had been put out of commission in consequence of being unfit for further service.—Thus, at the end of ten months, notwithstanding this accession of fresh ships, the number of those of the line remained much the same as they were when I entered upon the duties of my office. But when I found, from the report to which I have alluded, what the situation of the navy really was, it naturally led me to enquire what were the resources to which we could look for the purpose of increasing it, or for replacing such ships as must, ere long, become unfit for service.—This naturally led me to enquire what ships of the line were building, and when they were likely to be completed; and I found, from the answers to my enquiries on this subject, that on the 15th of May, 1804, there were six ships of the line building, one of which was laid down in 1802, another in January 1803, a third in November 1803, a fourth in 1802, and two which had been laid down so far back as the year 1792. Of these six ships, three were expected to be finished in 1805, one in 1806, and another in 1807. Upon this part of the subject I shall trouble your lordships with but few observations. My object is to state facts, and to let those facts speak for themselves.—When I looked for the supply which I was to expect for keeping up the British navy, I found the number of ships which I have just stated building in the king's yards. Let us, therefore, my lords, see what was done by the late board of admiralty with respect to the building ships of the line from February 1801 to May 1804. In that period it appears that five ships were ordered to be built in the king's yards and two in the merchants' yards. But when I enquired into the state of these five ships of the line, so ordered to be built in the king's yards, I found that not even the keel of any one of them had been laid down; and the reason given for this delay was, that the ships could not be proceeded on without more materials and more hands. All the hands in the king's yards were certainly fully employed in repairing and refitting ships; and this they must necessarily be during a period of war. To whom the want of materials may be imputable I do not pretend to say, I only state the fact. In order, however, to obviate this difficulty, I exerted every means in my power to replenish our naval arsenals, as will be seen upon a comparative view of the account now before your lordships. The report made respecting the state of the two ships in the merchants' yards was merely that they were building, without stating what progress had been made upon them.—Surely, my lords, after I became informed of all the circumstances which I have here stated, it would have been a dereliction of my public duty, not to have looked to some other source of supply from whence the navy might be kept up; I therefore advised that recourse should be had to the merchants' yards; but when the orders were given to carry this advice into effect, I found that a peremptory negative had been put by the preceding board of admiralty, upon building in the merchants' yards. The negative put upon this mode of building by so high an authority, induced me to investigate the subject minutely. However, when I found that there existed no other source from whence the navy could be kept up, my public duty demanded that I should advise that recourse should again be had to the merchants' yards.—I found also that it was not only necessary for us to have recourse to the merchant builders for new ships, but that it was absolutely expedient for us to avail ourselves of the benefit of their yards, for the purpose of repairing such ships of the line as their docks might be capable of receiving. With this impression upon my mind, I did not hesitate in recommending the adoption of the measure, which was in consequence carried almost immediately into effect; and I have the satisfaction to say, that we are at this moment deriving very material benefit from it. Upon looking over the ordinary of the navy, I observed that there were a considerable number of sixty-four gun ships; I therefore determined to see what could be done in regard to the repairing of such of them as could be readily taken in hand. Eight sixty-fours, one of the small seventy-fours, and fourteen frigates from forty-four to twenty-eight guns, were agreed for, and of these there are already several actually at sea, so expeditious have the merchant builders been in fulfilling their agreement. The sixty-fours are, I am aware, a class of ships which is getting much out of fashion; but I am nevertheless of opinion, that it will be always necessary for this country to have a certain number of them, as they are the description of ships which is probably, under all circumstances, the best calculated for the service of the north and the east seas, and are, in respect of force, equal if not superior, to the major part of the Dutch marine.—Since the measure of repairing in the merchants' yards was carried into effect, I further advised that ten seventy-four gun ships should be built there without delay, for the purpose of keeping up our fleet; and, in giving this advice, I certainly expatiated most fully on the policy, as well as the expediency of the measure.—Your lordships may probably expect that I should explain the grounds on which I formed my opinion in favour of building and repairing in merchants' yards. When I looked to the number of slips for building in the dock yards, I found there were only twenty-five in all. It may be said that these slips ought to have been appropriated to the purpose for which they were intended; but I found that only five ships, as I stated before, had been ordered to be built by the late board of admiralty: I found also that, day after day, ships came in, requiring to be docked, repaired, and refitted.—In the course of ten months, that is, from the 15th of May, 1804, to the date of the returns now on your lordships' table, six hundred and one vessels have been docked, repaired, and refitted, one hundred and eighty-two of which were docked in the king's yards, and forty-seven in merchants' yards. May I not ask, then, whether it could have been possible to have brought forward new ships, by building in the king's yards during that period; or whether it is possible to keep up our navy, by building in the king's yards during the pressure of war? If, my lords, in advising that recourse should be had to the merchants' yards, I had been pursuing a new project of my own, I might have been more diffident of the measure; but if I am blameable for recurring to the merchants' yards for keeping up the British navy, I am so, with the example before me of lord Sandwich, lord Keppel, lord Howe, lord Chatham, and lord Spencer. During the whole period, comprising the naval administrations of those noble lords, commencing with the year 1771, it was uniformly not only their respective opinions, that, during the pressure of war, recourse must be had to the merchants' yards for the purpose of keeping up our navy, but it was invariably their practice whenever great exertions were required.—Some of the best ships in the service were built in the merchants' yards, and of the ships of the line in commission when the late board of admiralty retired, thirty-five were built in those yards; a stronger evidence of the wisdom as well as of the necessity of the measure, to which I have alluded, cannot, I conceive, be adduced. I think I need not ask your lordships what would be the situation of this country if we did not now possess those ships.—From the year 1771 to 1782, during the administration of lord Sandwich, greater exertions were made to increase the navy than at any former period; for in the course of that time one hundred and fifty-five ships were built in the merchants' yards, of which thirty-five were of the line. During the administration of lord Keppel, in 1782 and 1783, thirty-four ships were built in the merchants' yards, of which nine were of the line. From November to the end of December, 1783, no ship of the line was ordered to be built either in the king's or merchants' yards. From 1783 to 1788, there was profound peace, during which time no ships of the line were built in the merchants' yards. From 1788 to 1792, there was still peace. After which, from 1793 to 1801, was a period of war, during which we find that the proportion of ships built in merchants' yards to those built in the king's yards was seventeen to five.—Thus we see, that during peace the building of ships of war has been confined to the king's yards; but that during war, recourse has invariably been had to the merchants' yards, from which three-fourths of our ships have been obtained. These facts entitled me to conclude, that there never was a time of pressure occasioned by war, when the merchants' yards were not considered the chief resource to which we had to look for keeping up our fleet.—Your lordships will thus perceive that I am not singular in the opinions which I have entertained, neither do I stand alone in the practice of employing the merchants' yards for the purpose of building or even of repairing ships for the crown. No, I have done this in common with lord Sandwich, lord Keppel, lord Howe, lord Chatham, and lord Spencer; and these are names that cannot be mentioned without respect, neither can such authorities fail to add weight to any practice which they may have uniformly and invariably pursued. But, my lords, this is not all: I am not only borne out by the opinions and the practice of the noble lords whom I have mentioned; but I am even supported by the authority of the noble lord himself who preceded me in office. I shall shortly state to your lordships the grounds which authorise me to say so. The noble lord is now present, and he can contradict me if I am wrong. Wrong, however, I cannot be in regard to the facts which I shall here state. Your lordships will judge of the inference to be drawn from them as you may think proper, and the noble lord can give such explanation of them as he may conceive to be requisite.—Some communications it seems had passed between the first lord of the admiralty and the comptroller of the navy relating to the building of ships of war in the merchants' yards. In one of these, on the 16th of December, 1802, sir Andrew Hamond thought it his duty to suggest to lord St. Vincent the propriety of condescending to keep the merchant builders in good humour, in case their services should be necessary. He afterwards wrote a letter to his lordship to the following effect: "Not having heard "from your lordship on the subject of our "conversation on Thursday the 16th in-"stant, respecting the merchant builders, "I cannot help feeling anxious thereupon, "and therefore take the liberty of writing "to your lordship this letter, to prevent "any unnecessary delay, not having had "any communication with them on the "subject."—This letter was written on the 28th of December, 1802, and the day after, the noble lord returned this answer:—"Rockets, 29th December, 1802. Sir; "It must be fresh in your recollection "that I have seldom conversed with you "on any subject, without introducing the "urgent necessity of entering into con-"tracts for building as many seventy-four "gun ships as you could find fit persons to "undertake, in every part of the kingdom; "I cannot therefore refrain from expressing "considerable surprise at the favour of your "letter to me of yesterday, which requires "that I should repeat in the strongest "terms the opinion I have so frequently "given. I am, &c. ST. VINCENT."—This letter, my lords, evidently can bear but one interpretation. The noble earl's sentiments are most strongly expressed, and his opinion is given in the most unequivocal manner.—Is it then possible, my lords, after this, that any man can say, that to the other eminent names which I have already mentioned, I am not to add that of lord St. Vincent, who, by his own letter, so strongly recommends the very practice which the noble lord who brought forward the motion has condemned in me? For here is evidence that lord St. Vincent ordered (and with a pretty sharp rebuke to sir A. Hamond) that contracts should be made for building as many seventy-four gun ships as could be undertaken in any part of the kingdom.—Is it then reasonable that I should be condemned for what has been the uniform practice of my predecessors for these thirty years past, not even excepting the noble earl himself, in so far at least as his practice can be collected from his opinion and orders here expressly given.—But immediately after these orders had been given, it happened that the first lord of the admiralty absented himself on account of indisposition; and those to whom he left the conduct of the business, during his absence, do not appear to have entertained exactly the same opinion on the subject as that which the noble lord conveyed in his letter to sir Andrew Hamond.—In consequence, however, of this sharp rebuke, sir Andrew lost no time in advertising for contractors to build some seventy-four gun ships. A fortnight only had however elapsed, after he had received the letter from lord St. Vincent directing him to proceed, when, to his great astonishment, the board of admiralty informed the navy board, that the measure could not be allowed; that contracts were not to be made; that no ships of the line were to be built any where except in the king's yards, and that the use of the merchants' yards should be entirely discontinued.—Is it to be supposed, my lords, that the board of admiralty would have ventured to give an opinion, and issue orders so diametrically contrary to those which had been issued by lord St. Vincent, without his concurrence and authority? No, certainly not, I take it for granted that the board acted under his sanction. Admitting this to be the fact, I cannot, my lords, refrain from confessing that the inconsistency and contradiction are beyond my comprehension. They are such as I cannot even attempt to explain; for I am sure that the attempt would be vain. To what is it possible to ascribe this total and complete alteration of opinion which took place in one fortnight? The noble earl may possibly be able to assign some reasons for all this, but I am at present entirely unable to conceive what they can be. The cause could not proceed from any change in the urgency of the case. The ſtate of the country and of the navy was the same at the one period as at the other. The king's yards were no more able to supply the demand at one time than at the other; and the urgency could not have ceased on account of the five ships that had been ordered, for not even the keel of any one of them was then laid down. It could not have ceased on account of the six which were coming forward, as there was one even of those whose keel was not laid down till after the period alluded to, and as the others had been on the stocks two or three years before the time at which the noble lord stated the necessity to be so extremely urgent.—If then there was nothing in the state of the fleet that could in the least degree supersede the necessity which the noble lord had mentioned in his letter, where are we to look for the cause of this strange alteration? To what possible circumstance can we attribute the propriety of this change of sentiment so complete, and at the same time so sudden? My lords, I confess I never was more at a loss. It is totally impossible for me to account for it. If I look to the state of the country, I shall look in vain. Was there any thing so very different in our situation in the lapse of a fortnight, after his lordship wrote the letter to sir Andrew Hamond, that could justify such a total change? Surely, my lords, it will not be necessary for me to contend that there was not. For it is certain, that there was no alteration in our condition, either as to security or to power, though, on the other hand, our enemies were equally powerful and equally disposed to convince us of it. But, my lords, this is not all; there is something further to be considered. Was the country so very secure of the continuance of the late peace, that all exertions to augment our navy were rendered unnecessary? It is well known that it was stated from very high authority, that the late administration never considered the peace as likely to continue long, after having had but a very short experience of the manner of proceeding adopted by our enemy. It was only a hollow truce, and understood to be so; a sort of calm that often precedes a storm. Almost from the day that the definitive treaty was signed, the conduct of our adversary shewed that peace could not continue with safety, for we could not look supinely on, and see him every day making new accessions to his already too extended dominions, increasing his power, his resources, and performing every act of aggression and tyranny; though none of the nations on the continent thought of opposing him, either because they were unable to do so, or because they were blind to their own interests.—With the evidence of these facts, may we not enquire, whether such exertions were made during the peace (such as it was), as rendered every application to the merchants' yards unnecessary, or diminished the urgency of the case? There certainly were not, as the papers now before your lordships evidently shew. I shall therefore leave it to the house to decide, whether or not I am warranted in what I say. Surely, then, from all these circumstances, and from the state of the fleet, the preparations in the dock-yards, the few ships that had been ordered to be built, the condition of those that were expected to be brought forward, and the state of the country even from the day when the definitive treaty was concluded, I can draw no conclusion whatever that can justify the alteration of opinion which took place in the mind of the noble lord, or that could in any degree supersede the necessity of resorting to the merchants' yards.—It is clear that there was nothing, so far as we can see or conceive, that rendered the necessity of ships of the line less urgent at the time when the orders for resorting to the merchant builders were recalled, than there was but a fortnight before. I must therefore declare, that, in my own opinion, from the system which has been adopted of not having recourse to the merchants' yards, the greatest injury has been sustained by the navy of this country. There is besides, another circumstance that certainly could be of no benefit to it; for though it is of a very different nature, it is nevertheless of so material importance, that I feel myself called upon to mention it. Soon after the correspondence to which I have adverted, the comptroller of the navy was ordered to drop all communication whatever with the first lord of the admiralty. At this circumstance I was, as your lordships may probably be, truly astonished; for I am decidedly of opinion that the business relating to the affairs of the navy cannot be expeditiously and properly conducted without very frequent communications between the comptroller and the first lord of the admiralty; but it must be even more protracted if they be at all at variance—(lord St. Vincent nodded.) Does the noble lord assent to this? If he does, I would beg leave to ask him this question: If he could not have any communication with the comptroller of the navy, in consequence of any differences which might subsist between them, why was the comptroller allowed to remain in his situation? Why was he not removed from his office? This is the course which, in my opinion, ought most unquestionably to have been pursued; for I am convinced that it is not possible for the first lord of the admiralty and the comptroller of the navy to conduct the business properly without frequently, fully, and intimately communicating together. It really is not within the compass of natural possibility. A man might as well attempt to walk without legs, to speak without a tongue, or to write without hands. So utterly impossible is it, that I am astonished how the noble lord could think of dropping all communications with sir Andrew Hamond, and yet retain him as comptroller of the navy. The opinion which I have formed of the necessity of a free and intimate communication between the first lord of the admiralty and the comptroller of the navy, is founded on the experience which I derived whilst I presided at the admiralty board.—Having thus trespassed on your lordships' patience, I should be sorry to add any thing more than what may be absolutely requisite. Indeed I cannot but regret that I have found it necessary to be thus long (hear! hear!); though circumstances have compelled me to state these facts for your lordships' serious consideration, as in the situation in which I stand it was impossible for me altogether to refrain from saying something in answer to the accusations that have been thrown out by the noble lord who brought forward this motion. I have, however, endeavoured to compress my observations as much as possible; and I hope your lordships will ascribe the present trespass on your patience rather to the particular circumstances of the case than to any unnecessary prolixity on my part.—Before I sit down, it will be necessary for me to say something more upon the subject of building ships of the line in the merchants' yards; but after the statement I have now given it will, I have no doubt, appear evident that no choice whatever was left us. Ships are absolutely wanted, consequently the expence of building them there must be incurred. I allow that the price to be given is very high, though I am convinced that the ships might have been built for much less money, had they been undertaken some time before. As things were, we had no alternative. This is the real state of the case; and although I do not wish to dwell upon this point longer than may be necessary, I must nevertheless observe, that if the noble lord had adhered to the sentiments which he conveyed in his letter to the comptroller of the navy, and had not yielded to the opinions of persons who probably were not so well qualified to form a judgment, the ships in question would not only have been nearly ready for service, but a great deal of expence would have been saved to the nation, as the builders have raised their tenders, since the above mentioned period, no less than ten pounds per ton, their demand being now thirty-six pounds per ton for a seventy-four gun ship, instead of twenty-six pounds, which was the price required in their former tender; so that the expence on each ship will be increased nearly one-third.—If then, my lords, the expence be greater than might reasonably be expected, I hope your lordships will not lay the blame to me and my colleagues, as we have only acted as the necessity of the case and circumstances required. If there be blame any where, it must surely attach to those who neglected the opportunity of executing a service, so absolutely necessary, when it might have been performed at so much less expence. In any event, it is surely unfair to condemn us on this occasion. I trust therefore that your lordships will view the matter with your usual candour, discernment, and moderation; and when you shall have made up your minds upon the subject, I have no hesitation in saying, that I feel confident you will be of opinion that instead of censure we have rather deserved commendation.—To your lordships then I shall leave the matter, with a full conviction that you will do what is just and proper. The difficulties which we had to encounter, were great, and we have taken, what we conceived to be the best means of overcoming them; but how far we have succeeded, it rests with your lordships to determine.—It may be proper here to refer to the extraordinary assertion made by the noble lord who opened the debate. He stated, that the navy is now in a worse condition than it was when lord St. Vincent retired; and to prove this, he said that the enemy's squadrons had been of late traversing the seas without interruption.—The noble lord does not, surely, mean to maintain that the naval strength of the country was in a better state and condition when I succeeded the noble earl than it now is, with the additions which have been since made to it. In the loose sentences which his lordship delivered on this subject I presume he intended to shew that it is under worse management than it was at the period to which he alludes. Upon that point, however, I desire to assure the noble lord, that if he should think proper to bring forward any charge against the military conduct of the service during the time I had the honour to preside at the admiralty, I shall be most ready to meet him; but at present I cannot be so irregular as to enter upon the subject, more especially as there are no materials before your lordships from which you might be enabled to form a judgment.—The noble lord has now, as well as before, said, that, his object is to examine into the comparative state of the navy at the time it was under the management and control of the board of admiralty at which the noble earl presided, and the board of admiralty at which I had the honour to preside. Upon that subject the noble lord will not, I trust, say, that I have shewn any backwardness to meet him,—I am perfectly ready to admit that there is a greater appearance of activity in the fleets of our enemies than there was twelve months ago; consequently it may be supposed that their naval force is now in a more efficient state than it has been since the commencement of the present war, or than it was even during some years towards the conclusion of the last war. If this be the fact, and of which I have but little doubt, it evidently shews that no relaxation whatever should have taken place in regard to the exertions necessary for preserving the naval superiority and preeminence of Great Britain; and this can only be maintained by having at all times such a number of ships in complete repair and good condition as may be capable of meeting the fleets of our enemies, let their numbers be what they may. It is on this ground my opinion has been formed, that if this object cannot be accomplished by the exertions of the king's yards solely, recourse must necessarily be had to the merchants' yards for that purpose.—There are various modes of conducting the operations of our fleets, with a view to ensure safety at home, protection to our trade, and security to our colonies and foreign possessions.—With respect to the system of blockade, experience has shewn that too much dependence ought not to be placed on it, however persevering and vigilant our officers may be; besides the great wear and tear which it causes in our ships is matter for serious consideration. Yet I am nevertheless decidedly of opinion, that at certain times the blockading of the ports of the enemy may be not only highly politic but necessary, and may also essentially conduce to the interest and the security of the country. To blockade the enemy's ports at the beginning of a war, and when our resources may require some time to be brought forward, is highly proper. In every war, the security of the mother country is the first consideration. Every thing else must, in the nature of things, be considered as secondary objects. At the beginning of a war it may frequently happen that this country is not exactly in such a state of defence as might be wished, to repel any sudden or serious danger. In this country too, however great our resources may be, it generally happens that they are not put very rapidly in motion; consequently it is necessary, until measures are taken for the security of the country, to blockade the enemy's ports as closely as the nature of the service and circumstances will admit. But when the country is placed in a respectable state of defence, and when nothing serious is to be apprehended for our security at home, then I do contend, that it is extremely unwise to confine ourselves to a blockade only, instead of turning our attention and our efforts to other operations. I consider it to be unwise, because we find it to be impossible to do it with complete effect, from the changeableness of the winds, the boisterous gales with which our fleets have constantly to contend in these seas. These circumstances have, in spite of our best efforts, enabled the enemy to get out at certain times, and to elude the vigilance of our fleets. Upon this topic I shall therefore only add that, when the Rochefort squadron made its escape, the channel fleet was actually at sea, and a detachment of it allotted to the blockade of that port; but, owing to some untoward circumstances, the enemy's squadron had sailed some time before intelligence thereof reached either lord Gardner or his majesty's government. The nation will not, however, I am convinced, notwithstanding this or the other circumstances to which I have adverted, be satisfied if the blockading system be entirely abandoned, and this induced me to continue it under modified instructions.—Permit me now, my lords, to state farther what has been done since the commencement of this year.—Having caused a survey to be taken of all the ships in ordinary, with the intention of ascertaining what number could be repaired for active service; the expedition with which the repairs could be effected was not precluded from my consideration, and the result may be found in the papers now before you.—My object was to endeavour to make the fleet equal in point of number to what it was during the late war, when it rode triumphant on the ocean, after gaining and securing its superiority by the most splendid victories that now adorn the annals of this country.—The result of the inspection is, as you will perceive, that measures have been taken by which no less than 26 ships of the line are to be added to the strength of the fleet before the month of September next. This addition, with the seven ships still in the merchants' docks, and two new ships to be launched at Deptford and Woolwich, will make the whole force amount then, in ships of the line, to near one hundred and twenty sail, a force not only adequate to our wants at home, but sufficiently numerous to guard our foreign possessions also.—Instead then of depending only on the uncertainty of following the fleets of the enemy, by finding out their destination, and by sending squadrons in pursuit of them, we may then have fleets ready to meet them wherever they may go. Our commerce will then be pursued with a spirit proportioned to its increased security. Without such a security the merchant and the planter will be perpetually in a state of apprehension and anxiety. The greatness of the country depends very materially upon its commercial and colonial prosperity; and, to secure and protect our commerce and our colonies will be the principal means of supporting this greatness, and of increasing the happiness and wealth of the nation.—Still, my lords, I am aware that much remains to be done: for unless we can procure more men, these numerous ships cannot be of much avail. A method might, however, I think, be devised, whereby men might be procured, and in a manner equally beneficial to the interests of the mercantile and military marine, and whereby the two services would become more united. Something might also, I think, be done to gain more completely the hearts of those employed in our navy, so as to make the service not only popular, but desirable. But these are points which I leave to his majesy's ministers, being sensible that any projects of this sort can only be effectually brought forward under their sanction and authority. They are in possession of the ideas and sentiments I entertain upon this subject.—I shall now proceed to that part of the noble lord's speech, in which he adverts to the shipwrights of the dock-yards at Woolwich and Deptford, who thought proper to discharge themselves. The noble lord says that great mischief has arisen from this circumstance, and from these men having gone to the merchants' yards for employment. But before this point be conceded, he must shew that their services were indispensable at those yards; he must also prove, that they would have been more useful in the king's yards than they have been in the merchants' yards. The fact is, that these people who thus discharged themselves, were, with but few exceptions, men on whom no dependence could be placed; as it was doubtful, from their unsettled disposition, whether they would have continued, even supposing there had been no employment in the merchants' yards.—However, notwithstanding the secession of these men, I have the satisfaction to observe that by the abstract account of the number of shipwrights borne in the king's yards on the 1st of March last, there appears to be only sixty-seven less than there were on the 15th of May 1804, the day on which the noble earl retired from the admiralty; and since the 1st of March the numbers have been increasing: of the other descriptions of artificers, the numbers are augmented in most of the classes, and upon the aggregate, the increase (including all descriptions of persons) is no less than two hundred and sixty-eight since the 15th of May, 1804. The retreat of the Deptford and Woolwich men will, I apprehend, now be considered as a matter too insignificant to be repeated, even by those noble lords whose minds may, from partial or exaggerated reports, have received a contrary impression. At any rate, it is, I trust, evident that no mischief whatever has arisen from this circumstance.—With regard to the supply of timber and stores for the navy (upon which I have as yet only slightly touched), that is certainly an object worthy of the most serious consideration; and I am most clearly of opinion, that the yards ought, if possible, to be kept completely supplied with stores of all descriptions sufficient for three years' consumption.—During the ten months that I presided at the board of admiralty, it was my endeavour to obtain stores by every means that could be devised. But in order to ensure a regular supply, some settled plan must be adopted; for while the profits of agriculture (which must, most undoubtedly, be encouraged) are so great, people will naturally prefer the speedy returns yielded by this mode of employing their lands, rather than turn their attention to the growth of timber, which, though ultimately of great value, is yet too slow in making a return for the capital so employed. It is evident that some general system ought to be adopted for securing a sufficient and permanent supply to our navy; and in promoting such an object, I think we ought all to agree, whatever may be our differences of opinion on other points. Before I left the admiralty, I made no reserve of the sentiments I entertained as to what I thought essentially necessary in this respect.—It only further remains for me briefly to advert to the allusions which the noble lord has repeatedly made in the course of his speech to the sixth report of the commissioners of naval enquiry. He says, he has only lately read that report, and that the facts which it contains afford many strong additional reasons for going into the committee he recommends. If the noble lord, or those with whom he acts, be of that opinion, I cannot help expressing my surprise at his not having given an earlier attention to it, as that report has been on your lordships' table during the whole of the session. Is it not therefore strange that its merits should have been but just now discovered? I have not been so slow myself in regard to it, for I long since read it with great attention; and having therein observed that a reference was made, in terms of approbation, to the mode of conducting business when sir Charles Middleton was comptroller of the navy, and that particular regret was expressed that a careful digest of the regulations for the conduct of the dock-yards had not since been kept up; I conceived that I could not better promote the interests of the navy, or the objects pointed out by the commissioners of naval enquiry, than by humbly entreating his majesty to issue a commission for the purpose of taking into consideration the reports of the commissioners of naval enquiry, and for examining into the reforms therein suggested, and reporting the best and most effectual means for carrying into execution all such as may appear to be useful and practicable. A commission was in consequence appointed, with sir Charles Middleton (now lord Barham) at the head of it, assisted by two able and respectable flag officers, and by two gentlemen whom sir Charles strongly recommended, from an experience he had had of their being eminently qualified, by their abilities and habits of business, to give substantial aid in promoting the objects intended for their consideration. The commissioners are now proceeding in the investigation of the documents referred to them, in which they have made material progress; and I have a perfect confidence that, in their hands, the objects which the noble lord may have in contemplation will be more speedily and effectually attained than they could be by a committee of your lordships. I hope that I shall not be misinterpreted by any noble lord in what I now say, as it is my particular wish to do full justice to the eminent and distinguished qualifications of the illustrious and noble persons, whose names are included in the list which the noble lord who made the motion has proposed. But those noble persons having many avocations, their attendance in the investigation of the business which he proposes to refer to them, cannot consequently be expected during the recess of parliament.—But, with regard to the commissioners appointed by the crown, it will be their duty to pursue their researches until the objects, for which they have been selected, shall be fully accomplished.—Having submitted such observations as I had to offer upon the motion of the noble lord, I have no hesitation in declaring that I feel no anxiety as to its result. I shall therefore put no impediment in the way, but leave to the wisdom of the house to give it such countenance as your lordships may, in your judgment, think best calculated to promote the interests of the nation and the good of the king's service.

Earl *St. Vincent* rose, and spoke to the following effect:—My lords, the noble lord having thought proper to go out of his way for the purpose of bringing charges against me, I trust I shall be justified in shortly trespassing upon your lordships' attention, in order to repel those charges. The inconsistency the noble lord has so much dwelt upon, I can readily explain. I own the intention of contracting for as many 74-gun ships, of the smaller class, as the navy board could find fit merchant builders to undertake; but when I was able to attend the board, it was shewn to me, that his majesty's dock-yards were so lamentably unprovided with timber, that it would have been bad policy in the extreme, to have accepted any of the tenders for building ships in the river Thames, and a resolution was accordingly made to suspend the entering into contracts for building ships in that river, until the more important measure of furnishing the royal arsenals with timber was accomplished. I maintain that 10 ships of the line may be launched from the dock-yards of the king annually, without impeding the necessary repairs of ships in service, or incurring any additional expence in the wages of artificers; and when it is considered how wretchedly most of the contract-built ships lately furnished to the navy have been fastened, with ragged bolts from 7 to 11 inches long, (many of which rolled out, or were drawn out by hand) instead of bolts two-and-twenty inches long forelocked on the opposite side, noble lords will see the positive necessity of performing the whole work of the navy, as it relates to building and repairing, in the arsenals of his majesty.—With respect to the ministerial communications between the first lord of the admiralty and the comptroller, it is one of the great vices of the navy board, and serves no other purpose but to skreen them from all responsibility; for when called upon to account for disobedience to the most positive orders from the superior board, the constant reply is, that the comptroller explained the reason, in a ministerial communication with the late first lord. In short, since the ill-fated measure of putting the commissioners into committees, and the parliamentary authority for secret measures, concerted between the comptroller and first lord, all responsibility has ceased, and much gross abuse has arisen in the missions under the comptroller's auspices. With respect to that person, I certainly should have availed myself of the proposition of my noble friend (lord Sidmouth) who was then at the head of his majesty's government, to remove him, had not his conduct been under the investigation of the commissioners of naval enquiry, the result of which will, I am confident, occasion his ignominious dismissal; and, if complete justice is done, it will extend to the whole board, with the exception of Mr. Osborne Markham; for, exclusive of him, there is not one member who does his duty to the public, or is competent to his office. As to the noble lord's personal attack upon me, I shall treat it with the contempt it deserves; but I shall consider the rejection of the motion of my noble friend as an act of great injustice done to myself.

The Duke of *Clarence* spoke at considerable length in favour of going into the proposed committee. His R. H. took a view of the progressive increase of the British navy, and of the means that had been adopted for many years past, in different administrations, for keeping up, and for increasing the navy of Great Britain. He had seen and known of so many instances of waste, and of shameful and flagitious abuse in the naval department, from persons in comparatively high stations down to those in the lowest, that he had reason to bless the day on which his noble friend earl St. Vincent was called to the head of the naval administration of this country. He also spoke in very high terms of praise of the administration of earl Spencer, when at the head of the admiralty. His R. H. next proceeded to praise the exertions of the commissioners of naval enquiry, who had been proposed by the noble earl, and informed the house, that he should, very soon after parliament met next session, bring before their lordships' consideration the matters contained in the sixth report, which were of the highest importance to the naval department, in many essential points. It was reported, that the most enormous and flagitious thefts and peculations had been practised in different departments of the navy, and as that report came from an authority which could not be questioned, he thought it peculiarly incumbent on the house to look narrowly into the subject which was now before their consideration. When the immense amount and value of the stores which were annually supplied for the navy were taken into consideration, it was evident that the most enormous and incalculable abuses might prevail, if those who were at the head of the navy did not discountenance them as much as possible, and endeavour to detect them. In this he thought at least the naval part of those who managed the navy should lend their assistance to the first lord of the admiralty. He thought that his noble friend (earl St. Vincent) when in office, ought to have had the assistance of the navy board, and of the comptroller of the navy. He thought that in the questions respecting the dock-yards, he should at least have had the assistance of the deputy comptroller of the navy, who had himself worked as a shipwright; he, however, had understood that his noble friend had by no means met with that co-operation that he might have expected. He should now consider the question of the building ships for the navy. The royal navy of England now consisted of a tonnage of 530,000 tons, of which, to the honour of this country, 114,000 had been captured from the enemy. Of what remained, no less than 260,000 had been supplied by contract. It would therefore appear, that but a small proportion indeed had been built in the king's yards. The number of shipwrights, however, who were in the king's yards bore a very great proportion to the whole number in the kingdom. In all England the number of shipwrights were only stated at 5200, and in the king's yards alone, 2800 of them were employed. He could therefore very well suppose, that when the merchant-yards had been able to furnish such a number of ships, the king's yards employing no less than 2800 shipwrights, might easily equip ten sail of the line annually, in addition to the repairs which our ships might want. His majesty's dock-yards employed a sufficient number of hands, and if there were not docks and slips enough, it would be easy to make more. It appeared to him that it ought to be in the king's yards that the king's navy should be built. The noble viscount (Melville) had spoken with an air of triumph of the number of small craft that had been built under his administration, and of the great superiority we had over the enemy's flotilla at Boulogne. He looked upon the flotilla with great contempt; but if the noble viscount thought it sufficient to appeal to the superiority of our fleet off Boulogne, as a proof of the goodness of his administration of the department of the navy, he should ask, whether that superiority was more decided now than it was under the administration of the noble earl? Could the noble viscount pride himself equally on the protection of the other interests of the empire? Administration had been informed, or they ought to have been informed, that the West Indies was the destination of the enemy's fleets, and yet they left the West Indies without any adequate protection. It was not possible for them to be deceived by the reports we had heard of something going forward between this country and Russia. They had persevered in the system of blockade, but without preventing the enemy's fleet from putting to sea; they had received considerable sums for secret services, without learning any thing about the motions of the enemy, and the Rochefort squadron had been for six weeks triumphant in the West Indies. If the commander of that squadron has done nothing more, if he has not got the absolute possession of the soil and property of our islands, he is deeply responsible to his own government for his weakness or cowardice, for if any English commander did so little with such a superior force, he would probably be called to a most severe account. Had the Toulon fleet sailed on the same destination, Jamaica and the most valuable parts of our West-Indian empire were still in the extremest danger, and yet there was no noble lord, who could pretend to say whether they had not sailed for the West Indies; whether they were now in Cadiz, or whether they had ever returned to that port. His R. H. concluded an able speech in support of the motion, in which, both by general and detailed arguments, he shewed the propriety of earl St. Vincent's conduct, to whom he paid very high eulogiums; and pressed upon the house the justice and the necessity of going into the committee of enquiry upon a subject so important to the feelings and character of that noble lord, of the house itself, and of the whole country.

Lord *Sidmouth.*—My lords; I feel it my duty to declare, that every thing I have heard confirms me in the opinion I at first entertained, that no public advantage can result from the adoption of this motion. I at first entertained very serious doubts as to the propriety of laying before the house papers which I was convinced could not lead to any useful or practical purpose. I thought no charge had been brought either against my noble friend (earl St. Vincent) or against the noble viscount (Melville); I therefore did not feel myself called upon to consider, whether a larger or a lesser number of ships have been employed by one or the other, or how they were purchased or contracted for. My opinion on the subject of building remains unaltered, it has been already publicly expressed, and I see no occasion now to repeat it. There are two points to which I shall principally confine myself, the first is, to explain the apparent incongruity between the letter of lord St. Vincent to the comptroller of the navy, and the order immediately given for the increase of our fleets from the merchants' yards. In the summer of the year 1800, the noble earl, from motives highly meritorious, thought it necessary to visit in person the different dockyards in the kingdom. It was this visit and personal inspection that altered his opinion. He returned strongly impressed with the necessity of augmenting the number of ships of the line considerably, and, without any loss of time. Under this impression, he took every necessary step, he took every measure to increase the quantity of timber in the king's docks as the materials for ship building; but, as he saw that it was necessary to add as expeditiously as possible to the number of ships in the British navy, he was also obliged to contract for them elsewhere. As a proof of his zeal for the procuring a sufficient quantity of ship timber in the king's yards, I need only mention that he had, for this express object, prevailed on a most considerable company (the East India company) to abstain from building large ships for two years. This was in itself a sufficient proof of his anxiety to diminish the price of ship timber, and to increase the supply. The other point to which I am anxious to direct your lordships' attention is, to some observations which have been made by my noble friend (earl St. Vincent) about the misunderstanding which prevailed between the comptroller of the navy board and the head of the admiralty. I agree with the noble earl, that the intercourse between them should rather be official, formal, and by written documents; but when I make that distinction, I am sure the noble earl must agree with me, that it is very desirable to have a good understanding between them. Indeed, it is necessary that a good understanding and confidence should subsist between all who are colleagues in office. During the period that the noble earl presided at the admiralty, I regretted much that the harmony and confidence which was so much to be wished for, did not exist between him and the comptroller of the navy. I wished most anxiously to have it restored; but when I had reason to suppose that it was impossible, I offered to lend myself to put an end to the connection, which could no longer subsist with mutual confidence and satisfaction. I always thought that connections ought to be dissolved, which could not be continued with harmony or mutual confidence. The noble earl, however, notwithstanding their disagreements, has always spoken to him of the comptroller with kindness and benevolence. Returning to the subject immediately before your lordships, I still argue, that no parliamentary ground has been advanced for the committee. I know that there exists a firm determination to enter into a strict examination of all abuses in whatever department they may be found. I feel it to be my duty to state to the house, that it is the wish and intention of his majesty's present ministers to give effect to all the salutary regulations pointed out in the various reports of the commissioners of naval enquiry, and to reap the full benefit of all their proceedings. I am conscious, that whatever is negligent and corrupt will be amended, and if I were not conscious that such was the disposition of the right hon. gent. at the head of affairs, and his colleagues, I never would have consented to become a member of the same administration. There is only one circumstance in the course of the present discussion, that I find myself under the necessity of regretting, and that arises from my vote being contrary to the wish expressed by my noble friend (earl St. Vincent) for going into the proposed committee. I have so high an esteem for his eminent character, that I must lament this difference of opinion; but I cannot forget that I am discharging a public duty on this occasion in voting against the motion, not perceiving any advantages likely to result from its adoption.

Lord *Holland* said, that the noble lord who had just sat down (lord Sidmouth) seemed well disposed to defend the measures of the noble earl (St. Vincent) in argument, and to give him fair words, although he would not give him his vote. The noble earl, however, had not been as fortunate as he in getting again into office. Those who found out the abuses, and those who confessed them, had all (except the noble earl) got again into power, and held forth the same lofty promises to the country which had been so often repeated. He did not see how the former promises had been realized, or what grounds there were for relying more upon the present. It was not, however, by assertions, either on the one side or the other, that parliament ought to be satisfied, but by a regular and formal enquiry in a committee. The question was not, whether ships were ever to be built in merchants' yards, but whether the present administration had not gone to a greater extent in their contracts than was warranted by the necessity of the times. In the year 1803, it was calculated that a seventy-four gun ship could be built by contract in three years, at the expence of 26l. per ton; and that a frigate could be built in two years, at 26l. per ton; notwithstanding which, the very next year a contract was made for ships at as high a rate as 36l. per ton. As to what the noble viscount (lord Melville) had said against blockades, it appeared to him completely ridiculous. The noble lord seemed to have forgotten that he had himself invariably pursued that system while he was at the head of the admiralty. The reasons he assigned were curious. It seems, that the French ships, by staying in their ports, were in much better condition than ours, which had so long kept the seas. On that principle he should have sent to congratulate the people in the city, that the Rochefort squadron had foolishly quitted its port and gone to the West Indies, where it must experience much wear and tear, and considerable damage. Every fleet which France sent against our possessions would, according to this argument, be only injuring herself. He should not enter particularly into the number of small craft, gun-boats, and catamarans which the noble viscount might have built during his administration; but as to the great promises that had been held forth, he expected them to be realized about the same time that the promised surplus of the revenues of India should come in aid of the extinction of the national debt of this country. In considering, however, the general situation of this country, the want of protection of the West Indies, and the ignorance of the motions of the French and Spanish fleets, he saw nothing upon which he could congratulate the country in the administration of its naval affairs. His lordship concluded by supporting the motion for the committee.

Lord *Hawkesbury* professed his disinclination to follow the noble lord, who had made the motion, into all the details which in the course of his speech he had thought it necessary to submit to their lordships. He observed that, although the debate had branched out to a considerable length, the question appeared to him to lie within a narrow compass. It had been alledged that his noble friend (lord Sidmouth) gave the noble earl nothing but fair words, which was unfair; for that noble viscount had certainly taken a line of conduct which was dictated by the sense he entertained of his parliamentary duty, and at the same time had spoken according to his feelings with reference to the character of the noble earl. But his lordship said he recollected that others, on a former occasion, when an enquiry was moved for, had professed great friendship for that noble earl, but had indeed given him nothing but fair words. Having stated this, because the occasion, as it appeared to him, called for it, he should come immediately to the question now before their lordships, which was, whether certain papers already before them should be referred to a committee, and that was a subject, he confessed, of great delicacy, involving considerations of great importance with a view to the disclosure that must attend it if the motion be carried. God forbid, that he should say, if a grave case was made out, the house would not attend to it, and send it to the investigation of a committee, even at the risk of all the consequences which might follow the disclosure; but nothing short of absolute necessity would induce their lordships to do so, for the disclosure would not only be to the people of this country, but must necessarily reach the enemy, and be a disclosure to the whole world; and before their lordships could be prevailed on to do that, they would take care that the ground on which it was called for was imperative upon them; that they had hardly a choice whether they should go into the enquiry or not; and he would confess freely, that some of the papers referred to were of such a nature, that he was sorry they were asked for at all. The question then came to this, was there any necessity, or matter sufficiently important laid before the house to induce their lordships to adopt this motion? The principal points which had been dwelt upon, and which had been most disputed were, on the expediency of building ships in the king's dock-yards, or of having recourse to the aid of merchants' building. He did not feel much confidence in his ability to form a correct opinion upon such a subject; but he believed it would be found the true policy of this country to build as much as possible in the king's dock-yards, but that it was impracticable to build all our shipping there, and that government must have recourse to the assistance of the merchants' yards in that respect. Since then, it was impossible to do altogether without that help, the question reduced itself a considerable degree; and he would then ask, whether what had been done in this respect called for the enquiry of a committee? The subject was of considerable difficulty, as a question to what degree government should contract with merchants for building ships, either for the house itself or to a committee, to form a correct opinion upon it; but that did not necessarily call on their lordships to institute this species of investigation; and here he wished the house to consider, that three years ago an act passed the legislature to enquire into naval abuses, and there were now upon their lordships' table, and also on the table of the other house of parliament, reports of the committee proceeding under that act. These reports contained much important and valuable information; and in consequence of the reports of that committee his majesty had been advised to institute another commission to enquire into abuses which may be existing, and to provide such remedies for them as shall appear expedient, with a view to the improvement of the different departments, and all other matters connected with our naval service. It appeared, then, the commissioners were in the course of entering into further investigation of all these matters, for the purpose of finding out remedies for any abuses which may be found to exist. He thought it was unnecessary to say more than this as an objection to the present motion. As it was under an investigation in another quarter, it would be more expedient, and, as he thought, more becoming for the house to wait until their lordships saw the result of the enquiries already instituted, before they went into another. He submitted to the house, whether their lordships did not think the commissioners to whom he had alluded were more likely to investigate the subject thoroughly than the committee now proposed; and that that system was more likely to lead to a practical conclusion than that proposed by the noble earl? He was confident their lordships would not agree to this motion, unless they saw for it a pressing necessity; he submitted there did not appear any such necessity, that no case was made out, no parliamentary ground laid for this motion, and therefore, whatever might be their lordships' opinion of the existence of abuses, or of the application of remedies to them, they were in the course of investigation, and which was a much more expedient mode than the one now proposed by the motion of the noble earl.

The Earl of *Buckinghamshire* was of opinion, that there was nothing in the conduct of the noble earl who presided over the naval department at the commencement of the war, to call for such an enquiry as was now proposed. When a similar enquiry was proposed last year, it met with his opposition, and he would oppose it now on the same grounds. He resisted it then, because he considered it unnecessary and uncalled for, by a fair reference to what the state of our navy then was, and he would resist it upon the same principles at the present moment. There was also another ground upon which he felt himself called upon to oppose it, and that was the unfavourable inference which had been endeavoured to be made from circumstances which occurred during the latter part of the administration of the noble viscount who had been lately at the head of the naval department. He rose to resist any imputation which might have been attempted to be thrown upon him, for what might possibly have occurred in our West India colonies. The duty of the noble viscount he conceived to have been, to have a fleet always ready, sufficient to overpower any which the enemy could possibly send out from any of its ports, and having done that, he was of opinion he had well performed his duty. Having done so, he would ask what blame could be imputed to the noble viscount? It had been urged as a cause of blame, that only one ship of the line had been stationed at the Leeward Islands. He appealed to the noble earl on the cross bench, whether it was necessary to maintain a greater naval force there? He was persuaded, that the noble earl, with all his judgment and experience, would not maintain that it was. The appointment of a committee appeared to him unnecessary and inconvenient, and therefore he found himself compelled to oppose it. This was the only point on which he had any inclination to speak, and upon it nothing could have induced him to be silent.

The Earl of *Suffolk* bore testimony to the meritorious services of earl St. Vincent, particularly in instituting that highly useful board, the naval commission, and vindicated the noble earl from the charge of not having sufficiently attended to the construction of smaller sized vessels. The noble lord animadverted on the comparison that was made between the noble viscount (Melville), and the noble earl on the cross bench, with respect to the building of ships in the merchants' yards, and observed that this difference was kept in the shade, that although both noble lords resorted to the merchants' yards, they did not do so on the same terms, or any thing like it. For the noble viscount contracted for building such ships at one third more per ton, than the noble earl would have accepted, or could have had them built for. The noble lord complained of the delay that had taken place before any of our naval force was despatched to the West Indies after the Rochefort squadron had sailed. Circumstances had occurred, as well in Europe as in the West Indies, which tended to lower that proud character which our navy had acquired, and always maintained, until within the last few months of the present war. He thought the conduct of the late admiralty was extremely censurable. The noble viscount at the head of it had been guilty of great neglect in not immediately despatching a fleet to the West Indies, to prevent the depredations and insults which had been committed against our possessions in that part of the world, by a squadron, which came out almost in defiance of us, from the ports of France. He had also heard, that some improper preference had been manifested in the appointment of an officer to an important command. That would well deserve to be submitted to a committee of their lordships, for no abuse could tend more to disseminate dissatisfaction among the naval profession, than an undue partiality of that kind. His lordship wished that all those charges should be fully investigated, and seeing no means of doing it more ready than the appointment of a committee, with full powers, he would vote for the proposition of his noble friend.

Lord *Melville* requested leave to say a few words in answer to the unfounded charges which had been urged against his conduct by the noble earl. He would assert, in direct contradiction to what had fallen from the noble earl, that there had been no delay whatever in detaching a sufficient number of ships in pursuit of the Rochefort squadron. That he would assert peremptorily and positively, in opposition to the charge so unwarrantably preferred, either by the noble earl or any one else. That squadron had sailed from Rochefort full twelve days before it was known to any of the commanders upon any of the stations. On the 14th day, the intelligence was communicated to him, and on the next morning he transmitted those orders, in consequence of which admiral Cochrane sailed for the West Indies. There were many noble lords who could testify what he asserted; and he therefore felt himself justified in repelling, with becoming indignation, the charge of neglect, whether coming from the noble earl, or any other noble lord. As to the charge of a partial preference of a relative of his, that he would peremptorily contradict. Where the noble earl obtained his information, or for what purpose he brought it forward, he knew not, nor was it worth his while to enquire; but he would positively assert that it had no foundation whatever in truth or in fact. If the noble earl should be inclined to pursue his attacks upon him, he would recommend to him to prove a little more, and to insinuate a little less. Against the noble earl's proofs, he trusted, as in the present instance, that he should always be able to defend himself; against his insinuations he could not hope for equal protection. If the noble earl should scatter his poisoned arrows abroad, some of them might possibly light upon him; but whether such a mode of assailing the conduct of a person who had been at the head of a great public department, was either fair or honourable, was worthy the consideration of the noble earl. He trusted that he would learn a lesson from the imprudence and inefficacy of his attack on this night, that would discourage him from any future rash repetition of similar charges.

Lord *Suffolk* observed in explanation, that he had stated the circumstance of the Rochefort squadron having been five or six weeks in the West Indies, unpursued by our fleets, as a fact; but the supposition that this delay originated in secret reasons was a report which he believed to be false.

Earl *Darnley* rose in reply, and adverted to the various arguments that had been urged by the noble lords opposite, against his motion. It had been observed, that such an investigation would be, on the present occasion, particularly improper, as it might expose, not only to the public of this country, but to the knowledge of our enemies, such subjects as would be particularly inexpedient. This observation, however, if it applied at all, was applicable only to the discussions that might take place in the house, and not to any enquiries that might be instituted before a committee. A noble lord seemed to think, that the principle on which he had brought forward his motion was his hostility to employing merchants' yards in building ships of the navy. Here, however, he begged leave to set the noble lord right. He had not declared any hostility to that principle. There were many cases, on the contrary, when employing merchants' yards might be very expedient. His objection was only to the degree; and that, considering the expence with which that mode of building ships was attended, was a sufficient subject of grave investigation. A committee of enquiry was also necessary, he contended, in regard to a noble lord (St. Vincent) who had been implicated in another place, and represented by some as an enemy to his country. One great end of his motion therefore was, to ascertain whether that noble lord was meritorious or guilty. This enquiry was due in justice to the noble lord; it was due to the British navy and to the nation, and in opposition to such claims he had yet heard nothing that could lead him to alter his opinion.—The house then divided; contents 33; not contents, 88; majority against the motion 55.—Adjourned.

HOUSE OF COMMONS.

Friday, May 24.

[MINUTES.] Colonel Wood gave notice, that on Friday next he should move, that there be laid before the house a copy of the proceedings of the court-martial on sir John Duckworth.—Mr. Tierney moved, that the committee on the Camberwell Water Works bill do sit again on Wednesday next, and proceed with the bill. The ground of his motion was, that the committee had adjourned for such a time as would render it impossible to have the bill reported this session, by which a bill that had received the sanction of the house, as far as it had gone, would be lost. Mr. Graham did not think it consistent with the usual form of proceeding, for any member to move for the revival of a committee that had adjourned for a certain time. The Speaker informed the hon. member, that it was conformable to the practice of the house, whenever any committee to which it might have referred any bill for consideration, took any proceedings that would have the effect of disappointing the wishes of the house, to direct that such committee should proceed with the bill, and report aye or no upon it. The motion was then agreed to.—Mr. Shaw brought up the report of the committee on the petition of the Dublin bakers, and obtained leave to bring in a bill to amend the acts for regulating the baking trade in Dublin.—On the motion of sir John Newport, the account of the expences of the criminal prosecutions in Ireland, ordered on the 1st of April, was ordered to be presented forthwith.—The Secretary at War moved the order of the day to ballot for a select committee of 21 members, to examine into, and report their opinion on, the 11th report of the commissioners of naval enquiry, except what related to the sum of 100,000l. secret service money; which being agreed to, one of the clerks, as usual on such occasions, read over the list of the members of the house, when all those who were present, and thought proper to do so, gave in a list of 21 members each; when this was over, another committee, composed of Mr. Huskisson, Mr. S. Bourne, the Attorney-General, Mr. Ormsby, Mr. Lubbock, Mr. D. Browne, lord Fitzharris, Mr. I. H. Browne, Mr. Prinsep, Dr. Duigenan, sir M. B. Folkes, sir E. Nepean, and others, was appointed to examine the said list, and report such members as had the superiority of numbers.—Mr. Huskisson brought up the Post Horse Duty Farming bill, which was read a first time.—The Public Accounts Auditors' bill was read a second time.—A new writ was ordered, on the motion of Mr. Calcraft, for the borough of Newtown, in Southampton, in the room of Charles Chapman, esq. who had accepted the stewardship of his majesty's Chiltern Hundreds.—Mr. Brooks, pursuant to notice, moved for leave to bring in a bill to explain and amend the several acts relating to the Woollen manufactures. The bill for suspending the penalties imposed by several of the statutes would expire in July, and therefore it was necessary to provide some legislative means of averting the injurious operation of statutes, as most of them became obsolete and useless. Admiral Berkeley was sorry the hon. member had brought forward this measure, because, without producing any good effect it would entail an heavy expence on the parties. He should not object to its progress till it should be printed, and he was convinced that the good sense of the house would not entertain it. He took this opportunity to give notice of his intention to move for leave to bring in a bill for continuing the Suspending Act for a time to be limited. After a few words from Mr. Brooks, leave was given to bring in the bill.—A message from the lords informed the house, that their lordships had agreed to the Land Tax Commissioners' bill without any amendments, and also that their lordships desired to be informed upon what grounds the commons desired the lords to give permission to earl St. Vincent to attend the committee to which the papers relating to the repairs of the Romney and Sensible, while under the command of sir Home Popham, had been referred. On the motion of Mr. Rose, the messengers were informed by the Speaker, that an answer should be sent by that house, by a messenger of its own, to such part of their lordships' message as related to earl St. Vincent.—Mr. Bagwell moved the third reading of the Irish Election bill. After some amendments were proposed, the further proceedings on the third reading were deferred to Monday.—The Irish Excise Licence bill was read a second time.—The Irish Malt Duty bill passed through a committee.—The further consideration of the report on the bill for the recovery of small debts in Ireland was, on the motion of Mr. D. Browne, put off to this day six months.—The Irish Stamp Duty bill passed through a committee.—Mr. Vansittart gave notice, that on Tuesday next he should move for leave to bring in a bill to regulate the police of the city of Dublin.

[DUBLIN PAVING BILL.] Mr. *Vansittart* rose, in pursuance of the notice he had given, to move for leave to bring in a bill to appoint commissioners to enquire and examine into any irregularities or abuses that may have taken place in conducting and managing the paving, the cleansing, and lighting the streets of Dublin, and also to provide for the suspension of the powers and authorities of the present board for cleansing, lighting, &c. the said streets, the same in other persons during such suspension, and for better conducting and managing the business of the said board. He said, he felt the disadvantages under which a person must labour who was not locally acquainted with the place to which he wished to apply regulations: but he had been informed that the grievance which he proposed to remedy was of so pressing a nature, that a delay in bringing this subject before parliament would be attended with great inconvenience; and he had the good fortune to be surrounded by gentlemen who would give every possible information, and correct him if he was wrong. It was necessary for him to state, that the present board in Ireland originated in an act of parliament proposed by a noble lord (De Blaquiere) in 1784, by which a former commission was deprived of its powers, and great powers were vested in the new board. This act appeared to him to have been drawn with great attention; it appointed six directors and six commissioners; the former were to have no salary, and the latter to be paid only in proportion to their attendance. It had, however, turned out that this board, either through mismanagement or from unfortunate circumstances, had got very considerably into debt, and the situation of the streets of Dublin was now absolutely disgraceful. It was not now necessary for him to examine who was in fault, because the existence of the evil was sufficient to justify him in proposing the enquiry. When the present board was instituted, their predecessors bequeathed them a debt of 45,000l.; that debt was now 84,000l. It was therefore evident that to go on in the same system, without increasing the revenue or applying some remedy, would only increase an evil already of such magnitude. With regard to any mismanagement which might have taken place, he had not sufficient information to enable him to speak positively, but he had sufficient to be satisfied that an enquiry was necessary. It was also his intention to propose that a power should be given to the lord lieutenant (in case the commissioners of enquiry now to be appointed should so advise him) to suspend he present board, and to appoint a new one for the conduct of this business. But the house must be aware, that whether the present board was continued, or a new board appointed, the evil must increase, unless some funds were provided; he should therefore propose to the house to give a power to the treasury of Ireland to advance a sum of money for the present exigency. But as he was anxious not to act with any precipitation upon this subject, he should propose, after the bill was brought in, to fill up the blanks in a committee, with a view to its being recommitted, and, in the mean time, it should be sent to Ireland for the consideration of the Corporation of Dublin. This mode of proceeding he thought most candid and proper. He concluded with moving for leave to bring in the bill.

Lord *De Blaquiere*, as a member of the Paving Board, rejoiced that the time for enquiry had arrived. He agreed that the shameful state of the streets of Dublin required something to be done immediately, but he denied that the Paving Board had been guilty of any misconduct; their crime was their poverty; the expenditure of the corporation greatly exceeded their income; many of the most essential articles in their work had trebly increased in their price, while the taxes remained the same, and without means it was impossible for them to do their duty to the public in the manner that was expected.—He approved of the commissioners, but thought they should be appointed in the house of commons, and not by any one out of it, and that their enquiries should extend to the investigation of the grounds upon which the unfavourable report made three years since of the Paving Board by the commissioners of imprest accounts was founded.—The noble lord stated also some details proving the inadequacy of the funds of the board to the fulfilment of their contracts. He said, the principal part of the debt had been contracted by the former corporation; the debt incurred by the present board arose from the great increase in the price of every article; oil, for instance, was more than double the price it was, when the board was first instituted, and the sum they paid for cleansing the city had increased from 1600*l.* to 5000*l.* a year, and for this they were only allowed 2000*l.* a year. He approved very much of the enquiry, because, if the present board had acted wrong, it ought to be destroyed, but he hoped the new commissioners of enquiry would be appointed by parliament.—He complained of the report made by the commissioners of imprest accounts, which he said contained unfounded charges against the present board. And he added, that he had been at the board from its first institution; that he had framed the act, and for 15 or 16 years he had given it his constant and most sedulous attention; and that having left Ireland soon after the union, it was his intention to have resigned his situation, but that he thought it neither honourable or manly to do so when he found that a cry was raising against the corporation.

Mr. *Dennis Brown* said, it was very extraordinary that the report of the commissioners of imprests had been laid upon the table of parliament 6 years, and no notice had been taken of it. Much had been said to a friend of his in praise of the administration of lord Hardwicke; but as his friend was walking with him through the streets of Dublin one night, he, with some surprise, exclaimed, that there was nothing but darkness, danger, and desolation.

Mr. *Alexander* said there was something irregular in the conversation, as they all agreed in the principle of the propriety of appointing commissioners.

Sir *John Newport* defended the conduct of the present commissioners. They had pointed out the means of remedying several abuses, and no insinuations ought to be thrown out against them till the house saw the report of the new committee.

Mr. *Foster* approved the principle of the bill, and vindicated the conduct of the commissioners for auditing public accounts, who had made three reports unfavourable to the Paving Board. The right hon. gent. said that those commissioners were bound by the most solemn oath to investigate abuses, and must of course discharge their duty. He could also speak from personal knowledge of the gentleman who was at the head of that commission, and confidently declare that no man was more justly distinguished for character, integrity, and the rectitude of his conduct.

Lord *De Blaquiere* in reply, said he did not see the necessity of the observation made by the right hon. gent.; he had never questioned the character or honour of any of the gentlemen who composed the Board of Accounts, he had respect individually for every gentleman in it; for some, the sincerest friendship. What he said was, that the report made by the commissioners of accounts was not as he thought warranted by the evidence which lay on the table, and as for the oath, the directors and commissioners for paving were equally bound upon oath for the discharge of their trust.

Mr. *William Ponsonby* said, that a great part of Dublin was covered with darkness, and was deserted in consequence of the union; and it would be difficult to raise a fund for bettering the police without contributing more to the evil that already exists.

Mr. *Vansittart* said, he was happy to find that his motion met with the approbation of so many gentlemen from Ireland. With respect to the wish expressed by some gentleman, that the commissioners should be appointed by parliament, he did not at present see any objection to it, but he did not wish to pledge himself upon the subject; he would, however, consider it, and state his final opinion when the bill came into a committee.—Leave was then given to bring in the bill. The right hon. gent. then brought up the bill; which was read a first time, and ordered to be read a second time on Monday. He then gave notice, that he should on Monday move the house into a committee to consider of the propriety of empowering the lord lieutenant to direct the lords commissioners of the treasury to advance a certain sum for the purposes of the said act.—Adjourned.

HOUSE OF LORDS.

Monday, May 27.

[PANCRAS POOR BILL.] On the second reading of the Pancras Poor bill,

The Earl of *Suffolk* observed, that, as it was confidently asserted, the former bill would eventually afford satisfaction to those affected by it; there was, in his mind, no necessity for the present measure. The former bill cost some of their lordships a great deal of trouble, and much attention was paid to the discussion of the merits of the bill, in the committee, particularly by a noble earl, now absent on a command in Scotland (Moira), and a right rev. prelate, not now in his place (bishop of St. Asaph), as well as by himself. He thought, therefore, it would be better to wait till the effect of the former bill were ascertained.—The bill was forthwith read a second time, and ordered to the consideration of a committee of their lordships, on Thursday next. On which stage, it was ordered, that the petitioners have leave to be heard by their counsel, respecting the bill. After some proceedings had intervened,

The Earl of *Suffolk* again addressed their lordships on the subject; understanding a great diversity of opinions obtained, as to the merits of the bill, and strong objections were entertained to its principle, he should, with a view to afford time for its consideration, and a regular opportunity, at some distance, for the opposers of the measure to be heard by their counsel, move to-morrow, that the present order, with respect to the committee, be discharged, and that the bill, his lordship said, should be read on Wednesday se'nnight.

[STATE OF IRELAND.] The Earl of *Suffolk* rose to move, that the order for summoning their lordships for Wednesday next, on the occasion of his intended motion for an enquiry into the existing state of Ireland, be discharged; which being accordingly done, his lordship observed, that he was principally induced to this, by his wish to take further time to consider upon the subject, to obtain further information, and to consult with several noble friends, who were inclined to support his proposition on the subject; which, perhaps, he might think not inexpedient, considering its very advanced period, to bring it forward during the present session. He concluded by moving, "that their lordships be summoned for Wednesday se'nnight." Ordered.

[CALICO PRINTERS' PETITION.] Lord *King* presented a petition from the Journeymen Calico Printers of Lancashire, Derbyshire, Cheshire, Lanark, Renfrew, &c. complaining of the distress they suffer in consequence of their inability to procure employment owing to the excessive multiplication of apprentices, and stating other grievances to which they are subject. The noble lord prefaced his motion, that the petition should lie on the table, by assuring the house that the case of the petitioners was one of peculiar severity, and strongly entitled to the attention of the house. It was a great hardship, he observed, that those poor men should not, after serving a long apprenticeship, have at least a fair opportunity of employment. But the number of apprentices introduced of late years into their trade, which exceeded very far indeed the proportion ever known before in any mechanical profession in this country, excluded the journeymen from almost even the chance of being able to earn their subsistence. Indeed in many instances these journeymen were refused employment, unless they consented to sign a second contract or indenture for five or seven years, on such terms as the masters thought proper to prescribe. This was a case without parallel, and which could be scarcely heard of without surprize. However, notwithstanding those acts of injustice and oppression, it was not the wish of the journeymen to engage in any litigation with their masters, but rather to have matters settled amicably. It was not his desire, the noble lord stated, to interfere with the freedom of trade, but the house would recollect that such an interference was warranted by the operation of the combination law, and that in this instance he had a precedent precisely in point, he meant the silk weavers' act, which limited the number of apprentices which masters should take. The petitioners, he trusted, would meet that consideration from the house which their conduct deserved. They had not resorted to those combinations which were so injurious to trade and the peace of the country, but appealed to that house for redress. It was much to be wished that their example should have a due influence upon all the journeymen throughout the country, and he had no doubt that the fate of this petition would be such as to encourage those journeyman who feel that, when they had any real grievances to complain of, they might apply to that house with confidence of redress. The noble lord concluded with observing, that he did not mean to take any proceeding this session upon this petition, and he hoped the conduct of the masters in the course of the recess would render any further proceeding unnecessary. If, however, he should be disappointed in this just expectation; if no amicable adjustment should take place between the parties, he should feel it his duty at an early period of the next session to bring forward a measure grounded on the prayer of this petition.

The Earl of *Suffolk* considered the case of the petitioners as peculiarly entitled to the consideration of the house.—The petition was ordered to lie on the table.—Adjourned.

HOUSE OF COMMONS.

Monday May 27.

[MINUTES.] On the motion of sir J. Wrottesley a new writ was ordered for a member to serve in parliament for the borough of Dornoc, Tain, and Dingwall, in the room of the hon. John Villiers, who has accepted the Chiltern hundreds.—Mr. Grey presented a petition from the gentlemen freeholders and electors of the county of Northumberland, congratulating the house on the votes of the 8th and 10th of April relative to the tenth naval report. The petition was ordered to lie on the table; as was also one from the inhabitants of the town and county of the town of Southampton. See vol. iv. p. 622, where the said petitions were inadvertently inserted.—Mr. Serjeant Best moved for leave to bring in a bill to amend an act of the 4th year of his present majesty, to prevent delay in proceedings relative to Bankrupts having the privilege of parliament granted.—The attorney general, pursuant to notice, moved for leave to bring in a bill to amend the act of last session, for facilitating the arrest of offenders escaping from one part of the united kingdom to another, or from one country to another. He had deferred this motion hitherto, lest it might appear, if he had brought it forward earlier, to be a prejudging of a case pending in the courts of the sister kingdom. That case had been decided, and therefore he felt himself at liberty to bring forward his measure. The object he had in view, was simply to enable a magistrate in Ireland who might execute a warrant issued by a magistrate in England, to give the same bail as if the warrant had been issued in that country, and vice versâ. The charge, that he had framed the measure of last session with a view to bring Mr. justice Johnson a prisoner to attend his trial in this country, would fall before a statement of a fact. The bill had been prepared by order of the secretary of state the preceding session, though, from the advanced stage of the session, it had been deferred till last session and he had obtained leave to bring in the bill some days previous to the conviction of Mr. Cobbett; and it was not till some days after, when the original manuscripts had been given up by Mr. Cobbett, that Mr. justice Johnson could be considered as the object of a prosecution, leave was given to bring in the bill.—Mr. Foster obtained leave to bring in a bill to continue the act for appointing commissioners of enquiry into fees, gratuities, perquisites, and emoluments in offices, in Ireland.—The report of the ballot for the committee on the 11th naval report was brought up; the following are the gentlemen chosen: lord Glenbervie, Geo. Canning, esq. lord Henry Petty, Robert Holt Leigh, esq. the right hon. Denis Browne, D. Giles, esq. Mr. Serjeant Best, Bragge Bathurst, esq. B. Hobhouse, esq. J. Campbell, esq. S. Barne, esq. C. W. Wynne, esq. C. S. Hawthorne, esq. R. Steele, esq. C. M. Ormsby, esq. P. Patten, esq. J. Kingston, esq. sir Robert Vaughan, bart. M. P. Andrews, esq. H. Joddrell, esq. lord Binning. Seven were empowered to be a quorum, and the committee was authorised to adjourn from time to time. Sir W. Elford, considering that to any man of common understanding the testimony of lord St. Vincent had been contradicted by the written documents existing in the correspondence between his Lordship, sir A. Hamond, and lord Buckinghamshire, gave notice that he should move tomorrow, that those papers should be referred to the said committee, and that they should report thereon.—On the motion of the chancellor of the exchequer, it was left to a select committee to draw up an answer to the message of the lords, desiring to be informed as to the reasons for requesting the attendance of earl St. Vincent to be examined as to the repairs of the Romney and La Sensible, commanded by sir H. Popham.—The attorney-general moved the order of the day, for taking into further consideration the report of the Stipendiary Curates' bill, when several new clauses were brought up, and amendments proposed, which produced a desultory conversation between the attorney-general, lord Porchester, Mr. I. H. Browne, &c. The bill was then ordered to be printed as amended, and read a third time on Thursday.—The Universities Advowson bill was committed. On the motion for the receiving of the report, Mr. Fellowes stated, as his objection to the bill, that it would remove the old men from the universities, and consequently allow too much liberty to the younger. The chancellor of the exchequer said, he hoped, in a future stage, he should be able to remove any objection that might be had to it. The report was then received, and the bill ordered to be read a third time on Friday.—Mr. Rose brought up the Free Port bill, which was read a first time, and ordered to be read a second time to-morrow.—The Dublin Paving bill was read a second time, and ordered to be committed on Thursday.—The reports of the Irish Stamp Duty bill, and Malt Duty bill, were severally received, and the bills ordered to be read a third time on Thursday.—The Irish Excise Licence bill was committed, and the report ordered to be received to-morrow.—The report of the Paymaster General's Regulation bill was brought up, and the bill ordered to be read a third time on Thursday.—The Irish Election bill was read a third time and passed.—The Post Horse Farming Duty bill was read a second time, and ordered to be committed to-morrow.—Colonel Stanley brought up the report of the committee to whom the claims of the Duke of Atholl had been referred, and moved that it should be taken into consideration on Thursday next. A very long conversation took place upon Mr. Curwen's moving as an amendment, that it should be taken into further consideration on Wednesday se'nnight. The hon. gent. thought that the delay would be necessary, in order to enable the house to understand the important points of the case, for which purpose he thought that the papers ought to be printed. Lord Glenbervie had no objection to the printing the papers, but thought that there should be no delay in taking the subject into consideration.—The further consideration of the report was fixed for Wednesday se'nnight.

[IMPEACHMENT OF LORD MELVILLE.] Mr. *Leycester* brought up the report of the committee to which certain parts of the matter contained in the tenth report of the commissioners of naval enquiry had been referred. The report was ordered to lie on the table. The hon. and learned gent. then moved, that the report be printed for the use of the members. On the question being put on this motion,

Mr. *Whitbread* rose, not for the purpose of objecting to the motion for printing the report. On the contrary, it appeared to him highly necessary that every facility should be afforded gentlemen to make themselves acquainted with the important matter of the report. But he took that opportunity of giving notice, that on the first open day after the report should be printed, and sufficient time be allowed to members to consider its contents, he should submit to the house a motion for the impeachment of lord Melville; and also move certain resolutions, expressive of his opinion of the conduct of the chancellor of the exchequer, with respect to certain transactions which had been referred to the consideration of the committee. The hon. gent. added, that, considering the advanced period of the session, it might be convenient that he should as nearly as may be, fix the day for the discussion, at least on his first motion. He believed the report might be printed and ready for delivery on Thursday next, and if so, he supposed that Thursday se'nnight would not be thought too early a day for bringing forward his motion.

[LANCASTER JUSTICES' BILL.] The order of the day being read, for the third reading of the bill to empower the justices of the peace within the division or hundred of Salford, in the county palatine of Lancaster, to raise a salary to be paid to the chairman of the quarter sessions for the said hundred,

Mr. *Shaw Lefevre* rose to oppose the motion. He said it was a bill of the most mischievous kind that had been before the house for some time. Nothing was so material as that the business of the chairman of the sessions should be carried on without fee or reward. Nothing but the strongest necessity could sanction such a proceeding, and he was at a loss to know where the present necessity rested. The public business had been carried on very well hitherto, without any reward or salary. Admitting the necessity of the measure, the mode adopted for raising the salary was extremely exceptionable and unjust. It was desirable that the third reading of the bill should be postponed at least this session; he should therefore move, that it be read a third time this day three months."

Mr. *Hurst* said, he had, on a former occasion, given his entire approbation to the bill. He had no apprehensions like those of the hon. gent. who spoke last. As the whole town and district had petitioned parliament, it was their duty to comply with the petition. In Ireland every chairman of a court of justice received a salary; no inconvenience had arisen from it, but it met with the hearty approbation of the people in the several districts.

Sir *Robert Peele* considered the bill absolutely necessary for such a manufacturing district as that of Manchester, where a very attentive police was necessary.

Sir *Robert Buxton* acquiesced, on the ground of its local necessity, although he could not agree to its principle.

The *Chancellor of the Exchequer* concluded the conversation by observing, that the necessity of the bill was not only evident from the testimony of the gentlemen best acquainted with that part of the country, but from the circumstance of the petition being signed by all the magistrates, and by the petitioners being willing to take upon themselves the expence of paying these magistrates.—The house then divided; for the third reading 115; against it 23; majority for the bill 92.—The bill was then read a third time, and passed.

HOUSE OF LORDS.

Tuesday, May 28.

[MINUTES.] Their lordships proceeded further in the appeal Rowe *v.* Power. Serjeant Shepherd was heard in reply, after which some questions relative to the cause were ordered to be referred to the judges for their opinion.—Colonel Stanley, and several other members of the house of commons, brought up the Salford Justices' bill, the Irish Election bill, and several private bills, which were read a first time.—The Wine Duty bill, the Naval Commissioners' Renewal bill, and the Military Commissioners' bill, were read a third time and passed. The Irish Licence bill passed through a committee, and was reported.—On the occasion of the third reading of the Wine Duty bill, the earl of Suffolk took occasion to repeat his opinion, that the same indulgence, with respect to the remission of the duties upon wine, which the officers of the navy enjoyed, should be extended to those of the army; they were as well entitled to such a favour; and the loss, in point of revenue, to the government, would be comparatively small.—Lord Glenbervie, and several other members of the house of commons, brought up a message, desiring their lordships would permit the attendance of lord viscount Sidmouth, the earls of Buckinghamshire, and St. Vincent, to give evidence before the select committee of the house of commons, appointed to consider the 11th report of the commissioners of naval enquiry. They were informed that the house would send an answer by messengers of its own. Lord viscount Sidmouth, and the earl of Buckinghamshire stated that they had no objection to attend.—A long conversation arose on the subject of the Pancras Poor bill. The commital of the bill stood for Thursday next; but lord Suffolk wished that order might be discharged, and another made out for a more distant day. This suggestion was objected to by the earl of Westmorland, the bishop of St. Asaph, lord Auckland, and some other noble peers; when it was proposed by the earl of Westmorland, that the bill be committed on Friday next.—The bishop of St. Asaph gave notice, that on Thursday he should submit a motion to the house, which, if acceded to, must prove fatal to the bill.

[WEST INDIA BILLS.] The Earl of *Suffolk* called to their lordships' recollection, the motion, which, about two months since, he brought forward, for the production of an account of the bills drawn from the West India islands, upon the treasury, to which their lordships then agreed, and the noble secretary, now in his place, said he had no objection to those accounts; however, they had not yet been produced, and he greatly wished them to be brought forward before the end of the session. To obviate the objections on the score of inconvenience, which were made on a former evening, he would now move an address to his majesty, that there be laid before the house "an account of all sums drawn from the West India islands upon the treasury, amounting to 1,000l. and upwards, from the 1st day of December, 1798, to the 1st of December, 1801, specifying the dates, times of payment, &c."

Lord *Hawkesbury* observed, that the present was, in point of fact, a part of the motion formerly made by the noble earl, to which, as far as respected the object of it, he had no objection. However, the impossibility of being able to make out accounts of so voluminous a nature as those called for, within the time elapsed, should be considered. If the noble earl would expressly state what particular point he wished to be informed upon, what particular circumstance he wished to be explained, he would endeavour to procure it, and such should be produced in the shortest possible time. The same objections, on the score of incovenience or impracticability, applied to the second motion, nearly as much as to the first. The number of sums which it would embrace, the considerable time which it must unavoidably take up, the number of clerks selected, as the most conversant in such businesses, who must be employed, and taken away from important avocations, were points worthy of serious consideration; so much so, that unless some specific point were more expressly adverted to, he should feel it his duty rather to resist the present motion. It would be better, upon the whole, considering the business was in such a train of proceeding, that the original motion should be followed up.

The Earl of *Suffolk* disclaimed any intention or disposition of creating unnecessary trouble to any department of government. He had sat in parliament nearly twenty-five years, and this was only the second time he had moved for any papers. His first motion was made about three years ago, the object of which was to lay before the house an account of the produce of the sale of old naval stores in Great Britain. The motion was then acceded to, but the accounts had never yet been produced. He should repeat that motion this night, but he should first advert to the motives upon which he grounded the propriety and necessity of the motion he before alluded to. It appeared to him (indeed he had it from the best authority) that much abuse existed in the manner in which bills from the West Indies on the treasury were paid. In proof of the existence of that abuse, he could cite the authority of the principal West India merchants in this country, or even bring them to the bar of the house, should such be their lordships' pleasure, to corroborate and substantiate his assertions respecting the abuse he alluded to. He would now content himself with adducing one instance from a great number of others, in which a West India merchant held bills of that kind on the treasury; they were drawn at 61 days, and when they became due, he presented them for payment. Instead of receiving the cash as he expected, accommodation bills were offered at 61 days further, bearing an interest of 5l. per cent. This was understood to be the usual practice, but the merchant whom he had in his eye, pleaded the necessity he was under of paying very heavy bills that pressed upon him, and that he could not keep up his credit, unless his just demand on the treasury was punctually paid. The 5l. per cent. interest could be of little moment to him under such circumstances; he might, therefore, persist in peremptorily insisting on immediate payment, otherwise he should be under the necessity of protesting the bills. The treasury at first demurred; but seeing the firmness of the merchant's resolution, they gave him an order for the money. It was unnecessary to comment upon such an abuse. The individual suffered the inconvenience of the first instance; and the public were next saddled with the additional burthen of the 5 per cent. interest for the additional 61 days.

Lord *Hawkesbury* expressed himself wholly unacquainted with the transactions alluded to by the noble earl; besides, it referred to a department different from that over which he had the honour to preside. He then made some remarks, following up the observations he had already made, respecting the propriety of suffering the former motion to stand.

The Earl of *Suffolk* took the opportunity to advert to the circumstance of no effectual attention having been paid to his motion, for an account of the proceeds of the old naval stores, which he made two years ago, and which was then ordered by the house; that was the second time he had ever moved for papers, though he had twenty-three years the honour of being a member of that house. His late motion on this subject was withdrawn, in consequence of a mistake he had made in the year. His lordship concluded by moving, " for a return of the proceeds of the old naval stores, from the 1st of December, 1803, to the 1st of December 1804."

The Marquis of *Sligo*, with reference to what had been said relative to the West India bills, observed, that these bills were generally at 91 days.—After a few observations from lord Hawkesbury, the noble earl withdrew his second motion, and permitted the first to remain as it originally stood.—The earl of Suffolk then moved for the account of the produce of the sale of old naval stores, but limited the period from the first of December 1802, till the first of December, 1804, which was agreed to.

[CONDUCT OF JUDGE FOX.] The *Lord Chancellor* rose, pursuant to notice, to submit a motion to their lordships respecting the place and manner in which Mr. Justice Fox should be allowed to attend the discussion on matters that concerned him, or even enter upon his defence and justification, should that learned gentleman deem it fit and expedient so to do. He had taken much pains to enquire into precedents to regulate what he should propose on the present occasion; but he could not meet with one that appeared to him to be exactly in point. Much difficulty arose in his mind from the manner in which the spiritual peers from Ireland were summoned to attend parliament. There was also a case of the attendance of Scotch judges, who were called upon by the house in the year 1763, to deliver their opinion upon certain points to the house. The Scotch judges at that time did not stand in the same predicament as the learned gentleman now concerned, and therefore their case could not apply to the present. He felt much for the situation of the learned judge, and he was convinced that every possible mark of respect and regard should be paid to him by the house. But from the precedents which he had consulted, he was directed to think, that the learned gent. could not well sit on such an occasion in the body of that house, but that a chair should be prepared for him below the bar, and that every proper instruction should be given by the learned lord who sat on the woolsack, or the noble lord who presided at the table in committees of the house, that the learned gent. should experience every possible mark and indication of respect which the house could afford his appearance, below the bar. It was in his opinion to be left to the option of that learned person, whether or not he should attend in his judicial robes, or not. The learned lord, after further elucidations of the case, concluded with a motion for the appearance of the learned gentleman in a chair below the bar.

Lord *Auckland* differed somewhat in opinion from the learned lord, and conceived it to be in the spirit of the act of union, that the learned judges of Ireland should be treated as the judges of this country, who attended as peers in that house.

Lord *Carleton* rose to address their lordships upon the subject. He delivered himself in a low tone of voice. With respect to the learned judge, to whom their lordships' present deliberations referred, he had obviously no particular interest in the question, farther than he was anxious for the preservation of his own dignity, and that of his judicial character. He called their lordships' attention to the provisions and effect of the act of settlement, under which the powers of the parliament, with respect to his majesty's judges, were derived. He was proceeding to expatiate upon this topic, when his lordship was attacked by a sudden illness, and was obliged to decline speaking. He sat down, and immediately fell backwards on his seat. The debate and business of the house were immediately suspended. He was paid every attention by most of their lordships present; and when the noble viscount had somewhat recovered,

The *Lord Chancellor*, neatly and feelingly adverting to the unfortunate circumstance which had just taken place, said he should, under the pressure of the event, move, that the committee on the case of Mr. Justice Fox be adjourned from Thursday, till the following day; and the present debate, he would beg leave to move, should be adjourned till Thursday. These propositions seeming to meet the cordial assent of their lordships, were forthwith ordered accordingly.—Adjourned.

HOUSE OF COMMONS.

Thursday, May 28.

[MINUTES.] Mr. Brooke brought in a bill for the better regulation of the Woollen Manufacture; which was read a first time, ordered to be printed, and read a second time on Thursday se'nnight.—On the motion of lord Glenbervie, a message was ordered to be sent to the lords, requesting their lordships would give leave to the earl of Buckinghamshire, the earl of St. Vincent, and lord viscount Sidmouth, to attend the Select Committee on the Eleventh Report of the Commissioners of Naval Enquiry, for the purpose of being examined.—Mr. Glover, from the commissioners of the customs, presented, an account of the quantity of Corn imported into the port of London, pursuant to an order of the house.—Mr. P. Moore gave notice, that on Thursday next he would move, that the petition which he presented in March last from the Calico Printers, be taken into consideration.—On the motion of Mr. Vansittart, the house went into a committee to consider of the propriety of enabling the lord-lieutenant of Ireland to grant a certain sum out of the consolidated fund for the purpose of paving the city of Dublin. In the committee the sum of 20,000l. was the sum voted as necessary. The house being resumed, the report was ordered to be received on Thursday next.—The report of the committee on the Expiring Laws was ordered to be referred to a committee of the whole house on Thursday next.—The Free Port bill was read a second time, and ordered to be committed on Thursday.—The house went into a committee to consider of the act imposing a duty on Woollens exported to the East Indies.—On the motion of Mr. Rose, who observed, that the duty operated very injuriously to our woollen manufacture, the committee came to a resolution that, in their opinion, the duty should cease. The report was ordered to be received on Thursday.—Mr. Rose gave notice, that on Thursday next, he should move, that the house go into a committee on the act relative to the Southern Whale Fishery.—Mr. Vansittart obtained leave to bring in a bill for the more effectual administration of the office of Justice of the Peace, and the prevention of Felonies, within the district of Dublin.—Sir G. Hill moved, that there be laid before the house an account of the damage done to the house of the bishop of Derry, by the occupation of the king's troops in 1796; and also of the sums agreed to be paid to the bishop as a compensation by the Irish government; but on the suggestion of Mr. Vansittart, who, after paying a high compliment to the right rev. prelate, observed, that a negotiation on the point was now pending, and that he had reason to believe before next session it would be sufficiently matured to be submitted to the consideration of the house, the hon. bart. withdrew his motion.—Lord Glenbervie informed the house, that the lords on receiving the message, requesting the attendance of three noble lords before a committee of the house of commons, had stated their intention of returning an answer by a messenger of thei r own.—The report of the committee on the Irish Licence bill was brought up and agreed to, and the bill ordered to be read a third time to-morrow.

[IRISH CUSTOMS REGULATION BILL.] The house went into a committee on the Irish Excise and Custom-house Officers' bill.

Mr. *Fitzgerald* opposed it on the ground that the bill created an additional and unnecessary expence, at a time when every such expence ought cautiously to be avoided. It increased patronage. Though a commissioner could not himself sit in parliament, his father, his son, or his brother, was eligible. At a period like the present, when the means of taxation were so exhausted, that the right hon. the chancellor of the exchequer for Ireland had been under the necessity of recurring to the hearth money, a tax that had been formerly repealed by the Irish parliament, it became doubly expedient to guard against a waste of the public money. When the right hon. gent. who now filled the chair of the house of commons, was secretary in Ireland, he had proposed several regulations in the offices of the revenue, which had they been acted upon would, he was convinced, have produced the happiest effect; but the increase of commissioners was not one of those measures; and had that increase been necessary, it would scarcely have escaped the discernment of that right hon. gent. On all these accounts he should move, 'that the chairman do leave the chair.

Mr. *Foster* replied to the observations of the hon. gent. so far from the measure being merely expedient, it was absolutely necessary for the proper collection of the revenue; and the expence would be amply repaid by the increase of revenue that must follow; though the bill would create an apparent additional expence of 1000l. a year to each commissioner, yet the effect of t he expected to be an increase of from 40 to 50,000l. annually in the revenue of the customs. In 1662, in the reign of Charles II. the number of commissioners was fixed at that at which it now stands, seven for the customs, and five for the excise; and could it be said, that the addition of two to the last-mentioned department was an enormous addition? He denied that he had been obliged to have recourse to a renewal of the hearth tax. This insinuation had, he knew, been thrown out in Ireland, for the purpose of exciting the lower orders to discontent; but it was unfounded.—After a few words from Mr. Fitzgerald, and some observations by sir J. Newport and Mr. Ormsby in favour of the bill, and by Mr. Latouche against the bill, Mr. Fitzgerald's motion was put and negatived. The bill passed through the committee, and the report was ordered to be received on Thursday.

[IMPEACHMENT OF LORD MELVILLE.] Mr. *Robert Dundas* (son of lord Melville), adverting to the notice given yesterday evening, by an hon. gent. not now in his place (Mr. Whitbread), of a motion for an impeachment of lord Melville, intimated, that in the event of lord Melville's wishing to be heard in person before the house in justification of his conduct (which wish he had no doubt he would express), he should, on the same day, submit a motion to the house, that lord Melville be allowed so to be heard.

[NAVAL ASYLUM.] Sir *John Borlase Warren* presented a petition from the governors, &c. of the Naval Asylum, praying for the aid of parliament, to carry into effect the purposes of the institution. The petition was brought up, and read; setting forth, "that the petitioners have observed and deplored, that in this nation no provision whatever was made for the orphans of those brave men whose lives have been devoted on board of his majesty's royal navy to the defence of his empire, and therefore undertook to form an asylum for the reception of such orphans, aided by the munificence of the royal family, and by the liberality of the public, whereto not only the brave defenders of their country may look for the future support and protection of their orphans, but wherein orphans of like description are now reared by the petitioners for the service of their king and country; and that, in order to carry their objects into full effect, the petitioners do humbly petition parliament for public aid; and, in conformity with their former exertions, they trust, that by their application of any grant now made to them, the present liberality of government will prove future economy to the nation; and that, with respect to the sum requisite for the purchase of ground and the erection of buildings for the asylum, the committee repose on the generosity of parliament, while they beg leave to point out two precedents; the one is a grant, during the space of fifteen years, from 1756 to 1771 inclusive, of 33,000l. per annum, on an average, to the Foundling Hospital; the other is a grant, last year, of 32,400l. after preceding annual grants to a much larger amount, to the military asylum at Chelsea; and the petitioners hope also, that the parliament will, as in the case of the Foundling Hospital, be pleased to render the asylum and its limits free from all parliamentary and parochial dues and rates, except those already imposed thereon, and from all parochial jurisdiction whatever, civil and ecclesiastical."

Mr. *Pierrepoint* seconded the motion, and expressed his full persuasion, that the house and the country at large would be cheerfully disposed to concur in granting liberal aid to an institution, the object of which was to protect the orphans of those gallant seamen who had bravely fallen in the defence of their country.

Mr. *Wilberforce* too supported the petition, and heartily approved its object; hoping the house would institute a full enquiry into the subject, and extend its provisions to the orphans of officers in the same manner as in the military asylum at Chelsea.—The petition was referred to a committee.

[STATE OF THE ARMY.] Colonel *Craufurd* rose to ask the right hon. the chancellor of the exchequer, whether, in the course of the present session, it was his intention to bring forward any measure for the more effectually increasing the disposable force of the country; a measure which he conceived of the utmost importance, and without which it would be impossible for us to extricate ourselves with honour or advantage from the war in which we were engaged.

The *Chancellor of the Exchequer* answered, that not having seen the hon. member of late in the house, he conceived it probable that he might not be aware of the measures already adopted for that purpose; one of which was the bill for allowing soldiers from the militia to volunteer into the line, a measure which he had now the satisfaction to say had been productive of very successful consequences to the general service, so far as it had gone in this country, and which he understood, though he had as yet seen no actual return, had been very successful also in Ireland.

Colonel *Craufurd* replied, that although he was prevented from attending his duty in parliament, he was not entirely ignorant of the measures adopted. That to which the right hon. gent. alluded, was one which he had himself last year strenuously recommended, and now so highly approved; but he begged leave to remind the right hon. gent. that it was but a temporary expedient to increase the line for the present, and that some effectual provision for a permanent supply to the service was absolutely necessary. But as the right hon. gent. seemed to have no particular measure in contemplation for that purpose, he should himself, at no very distant day, bring forward a motion on that subject.

[PRIZE AGENCY BILL.] The order of the day for the house to take into further consideration the report on the Prize Regulation bill having been read, sir W. Scott moved, that the bill be re-committed.

Sir *Charles Pole* objected to the bill altogether, as being the very reverse, in fact, of that which it purported to be, namely, a bill for the encouragement of British seamen; it was rather a bill for the encouragement of Doctors' Commons, and for the discouragement of seamen, and which, he was convinced, instead of doing any good, would be productive of considerable mischief. It was a bill to give certain judges salaries of 4000l. a year, and 1000l. a year upon their retirement from office, by way of pension. It was a bill to institute an expensive establishment, the expences of which were to be defrayed by the maimed and wounded seamen in Greenwich-Hospital. It took no notice of proctors in the prize courts, their conduct, or any limitation of their fees or costs; nor did it go to relieve the prize captors from the evils under which they laboured, through the delays occasioned by having their causes in the hands of a single proctor, so crowded with business, and so interested in delays as to cause the sailors infinite expence and vexation, and especially when, as was the custom, the proctor employed sold his business to another, and that person to a third. Sometimes the profits of the business were sold in anticipation, as was the case of Mr. Heseltine, who sold the anticipated profits of his business to his clerk for 5000l. The hon. admiral went into a statement to shew that the number of causes tried in the admiralty court, within the nine years ending in 1801, were no less than 4000, beside appeal cases; and that in one year there were 720, of which 560 were contested. The chief hardship, therefore, was, that the seamen who were suitors in that court, were confined to a single proctor, and he could see no reason why they might not, like every other class of suitors in other courts, chuse their own. Upon the whole, he was convinced that the seamen, whom it was professed to encourage, who should read the bill, would conceive it to be, what it really was, a mockery of their hopes. It would rather tend to promote, than prevent the desertion of seamen and petty officers. He was sorry to say from experience, that this brave class of men were neglected, but it was the truth. He respected the talents and character of the right hon. and learned gent. who brought it in, but he could not change his opinion of the measure. Another point he had to observe upon was, that the prize shares coming to his majesty's land forces, had not been accounted for in any document that he could find, either during the last or present war. The account surely ought to be forthcoming somewhere, and the money appropriated to an hospital, or other public institution, if there were no claimants. He concluded by voting against the recommitment of the bill.

Mr. *James Martin* thanked the hon. admiral for having made the observations which he had then delivered, and believed that his sentiments were those of the public.

The *Advocate-General* (sir John Nicholl) vindicated the bill, which he said was, in most of its clauses, a transcript of the last Prize Cause bill, and the same in principle with every prize cause bill that had been passed for the last century. The assertions of the hon. admiral, with respect to defraying of the expences of any institution, by charges on the worn-out seamen of Greenwich Hospital, were unfounded, otherwise than in the assertion of the hon. admiral; and with respect to restricting the claimant to the employment of the king's proctor, it could not be changed without violating the prerogative of his majesty, who has appointed that proctor. The gentleman now in that office, did not purchase his situation, but was regularly appointed after the death of his predecessor, and he believed no man ever acquitted the duties of his situation with more honour or fidelity. With respect to the delays which occurred to the captors in obtaining possession of prizes, the hon. admiral must know, that all right of prizes was in the crown, and that none could be given to the captors until judgment was finally pronounced in their favour. It was frequently a fortunate thing for the country, that decisions were not too rapidly made, as many questions of great delicacy, involving the rights of other nations, and their amicable intercourse with this, were implicated in those questions, and therefore they required the most cautious and deliberate proceedings. The hon. member enforced the propriety of the present arrangement, respecting the king's proctor, by a variety of illustrations. Foreign ministers frequently interfered respecting captures, and government might feel it adviseable, on such representations, to take some steps which it would be very inconvenient to attain, if they were to be compelled to run about to a number of different proctors, chosen by the captors. Besides as to the alledged abuse, the king's proctor could not charge a farthing more than any other man in the profession. He was quite independent of the agents, and that was for the benefit of the captors. An alteration of the present system would be a change, but not an improvement. As for the five thousand pounds a year, was that all profit to the king's proctor? A great part of a proctor's bill must be made up of money laid out, and perhaps only a fifth part of it was profit. The hon. and learned member then proceeded to condemn a hasty mode of censuring persons in public stations. The proctor's bill might be taxed by the register, and if that did not satisfy him, he could go to the judge of the court. The expences of the causes arose out of the nature of the thing. Adjudication must be had. Evidence must be taken in a general way, by a long set of standing interrogatories at the out-ports, and translations of different foreign languages skilfully and precisely taken, and hence a great expence must necessarily be incurred. It was necessary for the justice and the honour of the country. With respect to limits, it must depend on circumstances, under the control indeed of the judge. There was no ground whatever for the various imputations and criminations that were attempted against the body of proctors. Who could limit the charges of suits in Westminster-Hall, or of business in parliament? The constitution and the administration of the court in Doctors'-Commons were excellent. Every possible proper means were taken for the ends of justice. The captor had a complete power to compel his agent; and as captors were sometimes indiscreet, a power was also given to Greenwich Hospital to call upon the agent. He did not know a more perfect system. This bill was very far preferable to that of last year, both for its particular legislative merits and for its economy.

Sir *Charles Pole* explained, that he meant no personal reflection on the present king's proctor, but objected to the office itself as centering in one person.

Sir *J. B. Warren*, in a very low tone of voice, made a few observations in favour of the bill.

Admiral *Markham* said, he did not rise to oppose the bill, as he thought it contained some very good clauses, but in other parts he felt persuaded that it would not answer the purpose intended. As for the state of our seamen, he was not one of those who thought that they were, or that they had been neglected. On the contrary, he believed that there was no class of people whose interests were always more sedulously attended to; and he thought that his hon. friend opposite (sir C. Pole) could not mean any thing contrary to the general meaning of this opinion; but only, that in this bill they were not considered quite so much as they might. The board, or whatever it was called, at Greenwich Hospital, he thought objectionable. Greenwich Hospital was a great naval asylum, and it was highly necessary to preserve regularity within it. He could not, therefore, approve of setting up a sort of prize-office on such a plan, to which after a peace, the blessings of which we might be permitted to look to, four or five thousand seamen might resort in one day, and occasion a great deal of inconvenience. Every body must know in what numbers the sailors came to town after the conclusion of the last peace. Now, might not such number of persons going to the prize-office in the hospital, have a very bad effect on the wholesome regularity of that establishment? For this reason he disapproved of that situation for such a purpose. He likewise thought that the treasurer of the navy and governor of Greenwich hospital ought not to have the power of paying according to their own direction. He had no other motive nor object in what he now troubled the house, except the public good. Concerning the king's proctor, it was a delicate subject; but he was sure that some regulations on this head were much desired by the navy. He thought also that the agents were not sufficiently noticed. He considered the bill favourable; and if it was passed, he thought that, in a little time, circumstances would occur to render it prudent for those who had brought it in, to alter those parts which he now thought were objectionable. He must say, that on such a subject as this, he did not think it possible to pring in a perfect bill.

Sir *W. Scott* thanked the hon. admiral for the candid and liberal manner in which he had expressed himself when he stated his objections; but still he thought that both his objections, and those of the other hon. member, were rather reasons for going into a committee, than objections to the bill. He hoped to hear the hon. member (sir C. Pole) adopt the exposition of his sentiments respecting the treatment of sailors made by the hon. admiral, and retract the censure he had pronounced upon the legislature, and those who executed the laws, in such broad terms. He could not bring himself to think that the morals of Greenwich hospital would be endangered in the manner the honourable admiral seemed to fear, by the seamen going there to receive their pittance. He declared his firm intention of resisting any change in the mode of the office of king's proctor, as being extremely dangerous. It was a matter only started about two years ago. He then proceeded to condemn the reflections made on the charges in the causes in Doctors' Commons, and could not think it a fair way of treating a court of justice, to get hold of some extravagant bill, without reference to the proper mode of corrections, and bring it into parliament, and make it the foundation of a complaint against the court of justice, which would have chastised the person who misconducted himself.—He must speak a little of himself. If such charges were well founded, there must be a disposition in the judge to resist the correction of abuses. Had he made a charge, such as the hon. member (sir C. Pole) had made against him, he should have gone out of the house with a consciousness of having done him an injustice.

Admiral *Berkeley* supported the bill, and thought it might be rendered more perfect in a committee. He praised very highly the talents and services of the hon. and learned baronet (sir W. Scott); but maintained that the abuses complained of two years ago by an hon. admiral actually did incontrovertibly exist, and they might exist again.

Sir C. *Pole* said, he was by no means disposed to adopt the interpretation which had been put on his words by an hon. admiral. His opinion was, that the interests of the seamen were not sufficiently attended to; and as that was his opinion, he trusted he might be permitted to express it freely as a member of parliament, without intending to say any thing personally offensive or unpleasant to any gentleman.

Dr. *Laurence* approved of the bill, and bore testimony to the very able manner in which his right hon. and learned friend (sir W. Scott) administered justice in the court of admiralty. He also defended the usual manner in which business was done in those courts, and instead of thinking that captors had any thing to complain of, he thought, on the contrary, that they had somewhat too great advantages over those who were to defend the property.—The question for the re-commitment of the bill was then put and carried.

Mr. *Johnstone* thought it necessary, before the speaker should leave the chair, to recommend an instruction to the committee to make some provision for the more speedy determination of cases of appeal. He adverted to the number of unjust decisions of the vice-admiralty courts in the last war. Of 318 decisions of this kind, 259 had been immediately reversed. He allowed all possible merit to the diligence of the right hon. gentleman opposite (sir W. Scott) by means of which an accumulation of appeals, to 1000, beginning at the close of the American war, and constantly increasing during the last war, was gradually reduced, and now altogether removed. He represented the great inconvenience and expence attending this delay. He adverted to the improvement of the appeal tribunal by the association of the judges of the courts in Westminster-Hall, in the time of lord Hardwicke. He also adverted to the system recommended in these cases by Dr. Paul, lord Mansfield, sir Dudley Ryder, and sir George Leigh. He thought the administration of the admiralty court ought to be totally separated from that of the court of appeal. He moved that it be an instruction to the committee to make provision for the better regulation and dispatch of the trial of appeals in prize causes.

The *Chancellor of the Exchequer* allowed, it was important, that there should be all due dispatch in these cases; but he did not think any interposition of the legislature necessary with a view to that object. Indeed, the hon. gent. had himself acknowledged, that the difficulty that formerly stood in the way of the dispatch of these causes, had been removed by his right hon. friend (sir W. Scott). The constitution of the vice-admiralty courts abroad, was also materially amended from what it had been, at the time when, according to the statement of the hon. gent. fifteen out of sixteen of the decisions of these courts were reversed. It was a matter of great delicacy to interfere so materially with a judicature, which was to give satisfaction, not only to this country, but to all other nations. This delicacy was confirmed by a reference to the association of the judges of the courts in Westminster-Hall in the decision of appeals, which though undoubtedly, as the hon. gentleman stated, an improvement, was regarded with much jealousy by foreign powers, as an innovation that might lead to some abridgment of their rights. There was no necessity for separating the admiralty judicature from that of appeals. His right hon. friend, from delicacy, never attended on appeals from his own decisions. For himself he did not think this delicacy necessary, and in the highest tribunal in the empire, it was known that the highest judicial officer, often with much advantage to justice, spoke on judgments given by himself.

The *Judge Advocate* accounted for the multitude of appeals in the last war, by the circumstance of the Americans being then for the first time in the situation of a neutral power, and their carrying on the whole colonial trade of France.—The proposition was negatived, and the house went into the committee, in which

Mr. *Rose* recommended the propriety of having an office where seamen, or their representatives, might know their share of all prizes, and the names of the agents. He thought this office should be under the government of Greenwich-Hospital. This proposition gave rise to much conversation, but the suggestion was generally approved of.

The *Chancellor of the Exchequer* was perfectly sure a generally known office for prizes was highly necessary, and he thought it would be more properly situated in London than in Greenwich. Still, however, he could not agree that a new board of commissioners, with salaries, should be appointed, when the addition of a few clerks to an establishment already in existence in the navy office, would be likely to attain the end in view. The clause stood over till the report. The bill was then gone through.—Adjourned to Thursday.

HOUSE OF LORDS.

Thursday, May 30.

[CONDUCT OF JUDGE FOX.] The order of the day for resuming the adjourned debate upon the subject of the form of attendance, &c. of Mr. justice Fox, upon the committee of the whole house, being read,

Lord *Carleton* rose, and resumed his observations upon the subject. After referring to some cases and precedents, he observed that, with respect to the right of issuing writs of assistance, upon which so much stress had been laid, the act of union being silent upon the subject, regard should be had to what was the common law and custom of the realm. That of Ireland was, that the judges were entitled to receive writs of assistance, whenever their attendance in the house of lords was deemed desirable; such was also the rule and custom of England. The English judges did not attend as imperial judges, but as the judges of England; they had no authority over Irish cases; every principle in favour of the rights of the English judges to receive those writs, obtained equally in favour of that of the Irish judges; the case was very different with respect to the Scots judges, they had officially no seats in the Scots parliament; but that of Ireland was, by the act of union, identified and consolidated with the British parliament, and placed on a footing of perfect equality; in corroboration of this, was the circumstance, that all the members on the part of Ireland were taken from the then existing Irish parliament, and not by new elections after the union, as was the case with the Scotish members. Under these considerations, he thought the common law, rule, and custom of the realm, should be resorted to, which was in favour of the Irish judges receiving writs of assistance, who were entitled, in every respect, to be treated exactly in a similar manner with those of England.

Lord *Hawkesbury* entertained the highest respect for every thing that proceeded from the noble and learned viscount; but in the particular case, he rather differed in opinion from him. The present question he took to be, how and in what manner, Mr. justice Fox was to attend, if he should think fit to attend, to defend himself against the articles and charge? It was perfectly clear, that no person was admitted into the body of that house, except in virtue of a writ or summons, of one description or another. No writs, as the law at present stood, were issuable to the Irish judges, of course they were not competent to be admitted within the house. Until the point should be decided, they certainly were not entitled. Under the letter of the act of union, they were not: but it may be a future question, whether they should be entitled, by a special legislative provision. The point in question, however, he thought the house perfectly competent to decide; and the practical question was, whether, as the law now stood, writs of assistance were issuable to the Irish. If not, they were not entitled by law to come into the body of the house. The general question may be decided by various modes. With respect to the idea of the houses being incorporated; it was true that the Irish peerage were, by representation, incorporated with that of Great Britain; yet, it did not follow, that every appendage of the Irish parliament was identified with those of great Britain, or to be attached to the imperial house of lords. Such could not be considered as flowing from the union. At the same time, he freely admitted, that the case of the Scotish judges could not, by fair analogy, furnish an argument against the rights and privileges of those of Ireland.

The Earl of *Limerick* concurred in the opinion of the noble lord, that the Irish judges were not admissible within the house, except by virtue of writs of assistance. However, in the present particular case, it should be expressly declared and understood, that the proceeding of an individual should not tend to impair, still less to cede that principle of right, which he conceived, by the genuine principles of the union, to vest in the judges of Ireland. In saying this, he meant not in the least to advocate the cause of the learned judge in question, still less to say any thing to procrastinate the proceedings; but to express his wish, that any act, dictated by the judgment or the feelings of an individual, should tend to infringe or impair the rights, or the dignity of the judges of Ireland.

The *Lord Chancellor* said, he was as anxious to uphold the dignity of the judges of Ireland as any man in that house, but he begged their lordships to recollect that, in the present case, Mr. justice Fox was not called on to attend. He was merely at liberty to attend. The fact would depend upon his choice, which, if it was, that he will attend, he had suggested the most respectful mode and place which, under the existing law, he could be allowed. With respect to the right of attending within the house, it seemed universally acknowledged, that such could not be derived but from a writ of assistance; and, in reference to the existence of such a right in the Irish judges, there were various modes of proceeding to ascertain its existence, or to vest it, in case it may be held not to exist. For his own part, speaking as an individual, when he considered the probability of having a number of Irish causes to discuss, and when he recollected the torture of hearing such a multiplicity of Scots causes, the assistance of the Irish judges, as attendants in that house, would be very grateful to him.

The Earl of *Carnarvon* argued for the propriety of having the rights of the judges, or rather of the people of Ireland, decided on in that respect. The noble earl seemed of opinion, the right did exist, and that the people of Ireland should have their causes decided on, with the assistance of the judges of Ireland.

Lord *Somerton* (archbishop of Dublin) was of opinion, that by a fair construction of the act of union, the Irish judges were placed on a perfect equality with those of England. By the third article of the union, it was expressly said, that the two legislatures should become one and the same parliament. The act made no difference with respect to the rights of the Irish judges; if they were entitled to receive writs of summons before the union, they, not being deprived of that right by that act, still continued to enjoy it. All the judges of Ireland, as well as Mr. justice Fox, were concerned in the present case; what distinctions were made by the act of union in these respects, between the judges of England and those of Ireland? If they had the power of issuing those writs, they were called upon in justice to act upon it. At any rate, if the house decided contrarily to his sense, in the present instance, he hoped it would be so done as not to impair the rights of the judges of Ireland.

The Earl of *Carlisle* considered the question as one of considerable importance, and it should be thoroughly canvassed and solemnly decided upon. The right might be found rather to lie in the parliament of Ireland, than in the judges. The act of union was silent upon the subject, and the existence of the right should be ascertained, previous to any proceeding hostile to it taking place.

The Earl of *Radnor* seemed of opinion, the question should be decided upon; at the same time, it should be considered, that, though by the union, the two parliaments were made the same, the judges were not members of that parliament; throughout the whole act no idea of the kind seemed to be entertained.

Lord *Carleton*, in explanation, observed, that, whatever the decision of the house might be with respect to the forms of proceeding—whether in his mind suitable to the dignity of the judges or not; it was natural to suppose, that the strong interest which the learned judge must take in his defence, would urge him to come forward therein. In that view of the case, he thought the question of right ought to be previously decided.

The Marquis of *Sligo* regretted that such a discussion could be deemed necessary, and seemed to deprecate proceedings which would go to place even Irish judges in a situation where an English judge would not be placed; and to think that a decision, as to the right, should be previously made.

Lord *Holland* was of opinion the house should not come to a hasty decision upon the point at issue. He was equally adverse to doing that which might be contrary to law, on the one hand, or of instituting a proceeding which might tend to take away the right contended for, on the other. He thought the interposition of the previous question, as the case then stood, would not be an improper mode; they should not do that hastily which might tend to prejudge a question of such great and various importance.

Lord *Auckland* thought that a middle course might very well be adopted; such as should leave the question of right suspended. He would, therefore, propose to amend the original proposition, by inserting, after the words, Mr. justice Fox, "that not receiving a writ of summons." This would leave the question open for future discussion, by assigning, as a reason, that it was in consequence of his not receiving a writ of summons, that the proposed mode of proceeding was adopted.

The *Lord Chancellor* thought the amendment unobjectionable; at the same time, he wished to explain, in answer to what had been thrown out by some of their lordships, that he had no doubt whatever as to the existing law, and he was surprised that, ever since the union, not one idea had been suggested of the rights of the Irish judges to attend the imperial parliament, until this case of Mr. justice Fox occurred. The amendment asserted no law, but left the case open to future discussion, or to the application of legislative measures with respect to it.

The Earl of *Carnarvon* did not approve of the amendment. It appeared to him of an evasive nature, and he thought the attendance of the learned judge at the bar would be a practical decision on the case.

Lord *Holland* considered the amended as worse than the original proposition.

The Earl of *Carysfort* considered the attendance of the judges of both countries as a right of the united parliament, and of the subjects of the realm; as a right which they could be held as destituted, because it was not specifically mentioned in the act of union. He seemed to think the present discussion would be better postponed, until the general question should be decided. He allowed the amendment would still leave the question open, but still he had serious doubts as to the effect of the actual proceeding.—After which the question was put on the amended motion; which, in effect, was, "that if Mr. justice Fox should think proper to attend the committee of the whole house, he should, 'not having received a writ of summons,' be accommodated with a chair at the bar." On this their lordships divided; when there appeared for the amended motion, 18; against it, 10. Majority, 8.—Adjourned.

HOUSE OF COMMONS.

Thursday, May 30.

[Minutes.] Mr Shaw brought up a bill for amending the laws relative to bakers in Dublin; read a first time, and ordered to be read a second time.—Mr. I. H. Brown presented a second report of the committee on the Caledonian canal. Ordered to be printed.—The bill for amending the general turnpike act was read a third time, and passed.—The chairman of the committee appointed to consider of the propriety of allowing coals to be brought to London by the Paddington canal, reported that the pressure of time did not allow the committee to give the subject the full consideration which its importance required. The committee recommended that 50,000 ton of coals should be allowed to be brought by the canal between this period and the 1st of June, 1806, paying the same duty as coals brought coast-wise. It was also recommended that a committee should be appointed early in the next session for the full and complete investigation of the question. The report was ordered to be printed.—Sir C. Price presented a bill for making compensation to persons injured by the erection of the London docks. Read a first time, and ordered to be read a second time.—Mr. P. Moore presented a petition from certain freeholders of Middlesex, praying the house to interpose its authority to procure them compensation from the parties in the late controverted election for that county, for their loss of time in attending as witnesses before the committee appointed to try the merits of that election. The precedent of the Carlisle case being read, the petition was referred to a committee.—The bill for regulating the office of paymaster of the forces was read a third time and passed.—The bill for amending the act of last session, for the better prosecution of felons in the united kingdom, was read a second time, and ordered to be committed to-morrow.—Mr. Vansittart brought in a bill to provide for the more effectual administration of the office of justice of the peace in Dublin; and a bill for amending the act allowing bounties for supplying certain places in the united kingdom with fish. The object of this bill was, to allow the lord lieutenant of Ireland to appropriate the sum allowed for bounties in that country, to the repair of harbours.—Both these bills were read a first time, and ordered to be read a second time to-morrow.—Sir John Stuart, as chairman of the committee on the repairs of the Romney, &c. reported, that the lords had, in answer to the request of the house to permit the earls of Buckinghamshire and St. Vincent, and lord Sidmouth, to come and be examined before the committee, as to the proceedings with respect to sir Home Popham, desired to be informed of the grounds of the request, and the particular objects of the examination. The chancellor of the exchequer thought the matter of this report worthy of consideration, and moved that it should be taken into consideration to-morrow.—Mr. Foster brought in a bill for regulating the collection of the hearth duty in Ireland. Read a first time, and ordered to be read a second time to-morrow.—On the motion of the chancellor of the exchequer the order for the production of accounts of monies invested in the funds in the name of the accountant-general of the court of chancery, and the deputy remembrancer of the exchequer, for the account of suitors in these courts, was discharged, and the accounts were ordered in the amended form of accounts of unclaimed dividends, and that part of such dividends as stood in the names of these officers.—On the motion of Mr. Jeffery, after a few observations from admiral Markham, a number of accounts relating to the supply of foreign timber to the navy, were ordered, with a discretion of omitting the names of the places and persons whence the timber was to be obtained, when the disclosure would be inconvenient to the public service. The form of this limitation was suggested by the chancellor of the exchequer. Several accounts relative to the stores of British oak timber, and the building and repairs of ships, were also ordered on the motion of Mr. Jeffery.—On the motion of the chancellor of the exchequer, the Smuggling Prevention bill passed through a committee. When the house being resumed, the report was brought up, ordered to be printed, for the purpose of being taken into further consideration this day se'nnight, and an order made that the petitioners against the bill be heard by counsel against the bill if they think fit, on the further consideration of the report.—The Irish Stamp Duties bill, the Irish Malt bill, and the Irish Excise License bill, were read a third time and passed.—The Irish Distillery bill, the West India Free Ports bill, the Post Horse Duty Farming bill, and the Auditors of Public Accounts bill, passed severally through committees. To be reported to-morrow.—Mr. Alexander brought up the report of the committee on the propriety of allowing the lord lieutenant of Ireland to grant the sum of 20,000l. to the paving board of Dublin for paving that city. The resolution was agreed to; and it was ordered to be an instruction to the committee on the paving commissioners' bill, to make provision therein pursuant thereto.—Mr. Alexander brought up the report of the committee for exempting woollens exported to the East Indies from duties of customs; the resolution was agreed to, and a bill ordered accordingly.—The house went into a committee on the Southern Whale Fishery act; and, on the motion of Mr. Rose, resolved, that the bounties at present existing for the encouragement of that trade, should be continued. The report was ordered to be received to-morrow.—Mr. Alexander brought up the report of the Irish Excise and Customs Offices bill, which was agreed to, and the bill ordered to be read a third time to-morrow.—On the motion of Mr. Foster, an order was made for a committee of the whole house to consider of the propriety of improving the harbour of Dublin on the north side of the hill of Howth, and making it a fit station for his majesty's packets.

[CALICO PRINTERS' PETITION.] Mr. *P. Moore* rose, pursuant to notice, to move the appointment of a committee to examine the petition he had the honour to present to the house in the month of March last, from the journeymen calico printers; and also to move, that the evidence taken before a committee in the course of the last session upon this subject, should be referred to the consideration of the said committee, in order to make a report thereon. In bringing forward this business, the hon. member was glad to see the right hon. the chancellor of the exchequer in his place, as he was led to believe that that right hon. gent. was not unfriendly to the object of the petitioners; but, on the contrary, rather disposed to accelerate their relief, and to render them complete justice. The knowledge of this circumstance without doors would, he hoped, have the effect of urging the masters in the calico printing trade to accede to that amicable adjustment with the journeymen, which had been so strongly recommended by an hon. friend of his (Mr. Sheridan) about the close of the last session. It was very much to be regretted that such an adjustment had not taken place, and the disinclination of the masters to consent to it, rendered it indispensably necessary to the cause of justice, that some legislative proceeding should be adopted. He had consulted with the chairman of the committee which sat last sessions, and it was his opinion, with that of many other members of that committee, that it was highly proper that something decided should be done. The question for consideration, as it struck him, was this, whether the ordinary and established relation between masters and journeymen in the other mechanical professions should exist in the trade of the calico printers. At present no such relation did exist. All the advantages of the system of apprenticeship were, in this trade, on the side of the masters, which, the moment an apprenticeship expired, the person who served it was likely to be thrown out of bread, without even the chance of future employment. It was, he contended, one of the first duties of a good government, particularly in a trading country, to attend to a case of this nature. While the system of apprenticeships went on, it was surely unfair that it should operate altogether in favour of one of the contracting parties; the one devoting so many years of his life to qualify himself to work as a journeyman at a trade, from the opportunity of employment at which the master excludes him, by the extreme and successive multiplication of apprentices. In consequence of this practice, there were at present some thousands of journeymen calico printers out of work; the greater part of whom are refused employment, unless they consent to sign a second contract, or indenture, binding themselves to serve a kind of second apprenticeship, on the terms prescribed by the masters. The difference between the wages of an apprentice and a journeyman was, he observed, from 4s. and 7s. to 24s. and 30s. per week. Of course the masters were naturally disposed to prefer the former. It was, however, incumbent on those to whom the duty of legislative arrangement belonged, to consider fairly the interests of all classes. And the interest of the master was not, surely, entitled to such a preference as should put that of the journeyman entirely out of view. But with respect to the interest of the community; the value of any article of manufacture was to be estimated in a great measure with reference to the price of labour. Now, as the calico printers sold their goods at a price, founded on the rate of wages at 30s. per week, although they obtained persons to work at 4s. and 7s. it struck his mind that they had more profit than they were justly entitled to. For the fact was, that although the journeymen were deprived of their subsistence, to make way for the employment of boys, and thus to reduce the expence of manufacture, no reduction whatever took place in consequence of the price of the article to the public. All the profit was confined to the master, none whatever was given to the consumer. It really appeared to him, that such a case formed a fit subject for taxation, and ought to be made productive to the revenue. The hon. member concluded with submitting his motion.

Mr. *Rose* was ready to admit the importance of this question, and was fully inclined to give the utmost attention to the prayer of the petitioners. Their case, he was well assured, was deserving of consideration. But from the knowledge he had of a similar business in the course of the two last sessions, he was much afraid that the subject was too complicated to be gone into at the present advanced period of the session; that it could not be disposed of in one or two days, as the hon. mover seemed to imagine, nor in so many weeks. He therefore submitted to the hon. gent. whether it would not be better to postpone the matter till the next session, when, as early as he chose to bring it forward, he (Mr. Rose) should be ready to give him any assistance in his power.—Mr. Egerton and Mr. Lascelles thought the case of the petitioners highly deserving of attention, but concurred with the right hon. gent. who spoke last, that it was too late in the session at present to give it all the consideration that was due to it.

Mr. *P. Moore* expressed his unwillingness to press the subject at present. He wished and hoped that ministers would take up the case of the petitioners, and have justice done to them. They could hardly select a case where the exertion of their influence would do them more honour. The petitioners he felt to be treated with great injustice, and he trusted that the gentlemen who professed a disposition to attend to their claims, would give him their assistance next session, when, at an early period, he pledged himself to bring the subject before the house.—The hon. member, with leave of the house, withdrew his motion.

[Impeachment of Lord Melville.] Mr. *Whitbread* said, that when he had given notice of a motion arising out of the tenth report, for Thursday next, it was on the supposition that the report of the select committee might have been printed by this day, and that members would consequently have sufficient time to take it into consideration. As he was now informed that it could not be printed till Saturday, he was under the necessity of postponing his motion. As he understood Monday se'nnight would not be a convenient day, he should now fix Tuesday se'nnight for the motion of which he had given notice.

The *Chancellor of the Exchequer* said, he understood the notice which the hon. member had given, embraced two objects: the first was the impeachment of lord Melville; the second, certain resolutions which he intended to move against him. As to the first object, it was possible that the grounds which the hon. member might take, would be so connected with the voluminous matter of the report, that it might be absolutely necessary to allow members time to read and consider the whole; but, if the second object of his notice, the resolutions which were to be moved against him personally, did not depend upon so many circumstances, but laid in a narrow compass, he hoped it might be possible to bring them forward on the day first appointed. It certainly was not for him to name any particular day: that must be in the breast of whoever should bring the motion forward, but he felt very desirous, that whatever related to him personally, should be submitted to the consideration of the house with as little delay as possible.

Mr. *Whitbread* declared, that it would be his personal wish to bring the motion forward as soon as possible; but when it was considered that many members would go out of town for the holidays, and would not see the report till Wednesday next, he thought it would be too much to ask them to discuss it the following day. Many would wish to read the whole report before they felt prepared to give an opinion on any part of the subject; he must therefore adhere to his intention of bringing forward the motion of impeachment on Tuesday se'nnight, and as soon as that question was disposed of, he should be ready without delay to proceed with the resolutions respecting the chancellor of the exchequer.

Mr. *Canning* said, the matters which were to be made the grounds of charge against his right hon. friend the chancellor of the exchequer must be known, and any member of the committee was competent to say, whether what related to the conduct of his right hon. friend was capable of being considered first. He wished some other member of the committee besides the hon. gent. (Mr. Whitbread) to say whether that part of the report could be separated from the general matter. If it could be separated, and if it could be clearly understood in this distinct form, he saw no reason why any member of the committee might not move that it be taken into consideration on Thursday.

Mr. *H. Lascelles* stated, that the general matter of the report related to lord Melville and Mr. Trotter. The part which related to the right hon. gent. the chancellor of the exchequer, was distinct. There were only three points that could be made the ground of resolutions against the right hon. gent.: the application of the 40,000l. the conversations with Mr. Raikes, and the affair of Jellicoe. These points were plain and distinct, and required no delay for the consideration of them, at the same time that it was most important that the sense of the house upon them should be speedily pronounced. If no other member of the committee thought there was reason for delay, he thought the matter ought to be proceeded on without delay; and if no other was disposed to move that the points he had referred to be taken into consideration at the earliest period, he should

Mr. *Whitbread* said, if the hon. gent. did what he proposed, he believed he would do that which was wholly without precedent. When one member gave a notice of a motion, it would be very extraordinary indeed that another should take the business out of his hands, merely because he might wish it to be decided upon a day or two sooner. It would be for the house to consider whether any thing resulting from the papers could be judged of before the papers were fully considered, and whether the papers could be fully considered in any time short of that he proposed. Unquestionably the members of the committee had the means of forming distinct opinions without this delay; and it was as a member of the committee he had the means of forming the opinion on which he had given his notice. But that was not a reason for calling on the house to pronounce without consideration on what the members of the committee were already perfectly acquainted with. The committee, as a body, had not agreed to propose any proceedings on the report. If the committee had been of opinion to institute such proceedings, the chairman would have been instructed accordingly. He had asked the chairman, whether he meant to submit any motion to the house; and it was on being informed that the chairman had no such intention, that he formed the determination of bringing forward the measure of which he had given notice. He again represented the extraordinary proceeding of the hon. gent. in taking the matter out of his hands merely because he wished the business to be considered a day or two earlier. The papers would not be ready before Saturday evening. Many gentlemen would have left town before that day for the holidays, and would not, of course, have the papers in their hands before Wednesday. He thought the day he mentioned sufficiently early, and he adhered to the order he had laid down.

Mr. *H. Lascelles* hoped that he was not disorderly in the notice he had given, as he assured the house that nothing was farther from his intention than to be guilty of any irregularity.

The *Chancellor of the Exchequer* asked, whether the hon. gent. meant to bring forward both motions on the same day? He thought the hon. gent. could hardly expect the house to decide so summarily.

Mr. *Whitbread* said, he had meant merely that there would be no delay on his part. He would be ready to submit his second propositions as soon as the house could meet after the discussion of the first part.

Mr. *Fox* would not say that it was not competent to any member, who should think proper so to do, to give a notice for the anticipation of that of another. It was, however, a matter of delicacy, subject to that discretion which was usually exercised on every such occasion.

[STIPENDIARY CURATES' BILL.] The *Attorney-General* moved the third reading of the Stipendiary Curates' bill.

Mr. *Barham* opposed the motion. He thought it a bill that took away part of the property of the rector, although the duty was performed. If the duty were not performed, he might see some reason for the measure. The bill was at variance with existing statutes, and at variance with its own enactments. If the property of the church was to be attacked, let it be attacked directly and openly, and not indirectly and in disguise. He was one who wished the church supported by the state, believing our church to be upon the whole the purest church in Christendom. But the present bill tended to vitiate the constitution, and subvert the establishment of the church. Not only the ecclesiastical, but political power it conferred on the bishops was alarming. It gave opportunities for their interfering in elections, which, from cases easily to be remembered, might be much and very grievously abused. On the other hand, it shook to the base the foundation of all ecclesiastical property. The tenure of such property would, after the passing of this bill, should it pass, be totally changed. The scale of appropriation did not measure income by the necessities of the curate, but by the opulence of the living. What, under the circumstances, he should have thought, and did think, most desirable, was, to have moved for a committee to examine into the statutes bearing on the subject, and generally to consider of the best mode of regulating the interests of the curates, and others affected by the present question.

Mr. *Alexander* was decidedly inimical to the measure. Ever since the commencement of the French revolution, church property was rendered insecure, by new doctrines. The present bill partook of the character of the revolutionary edicts of the French Jacobins. Church property was unsettled by such laws. The king and parliament ought to resist innovation in the rights of property with regard to the church.

Mr. *Fuller* knew that in the county of Sussex, which he had the honour to represent, the clergy had not had time to make up their minds as to the bill. He therefore, if seconded, should press that the bill should not be read a third time till this day six months.

Mr. *Deverell* thought the measure both premature and imperfect. He should not have opposed it if it had thrown the church property into a mass, and proposed to appoint a vicar-general of church revenues, who should distribute incomes to the curates as they might be worthy. At present it was a bill to enlarge and extend the patronage of the bishop. If it was for the good of the public, he should not object; but when it was a bill empowering the bishops to raise the incomes of the curates to 250l. or 150l. a year, it was a bill of mere diocesan patronage. As far as it changed the usage of the law of the land, it was still more objectionable. No appeal laid, but to the quarter sessions, or the archbishop in London. It took away the ordinary option of the common law. For all these reasons he thought the measure ought to be postponed.

Mr. *Graham* had so great an objection to the bill, that he would support the amendment. The bill placed the clergy in a worse situation than any other of his majesty's subjects. It was a bill to enforce the residence of curates, but to banish the rectors.

Mr. *I. H. Browne* supported the bill. It went no farther than other statutes, except in as far as related to livings above 400l. a year. The objection to this law would be a good objection to all other laws.

Mr. *Pole Carew* thought the measure incomplete. It ought to have been devised so as to embrace the subject of great ecclesiastical bodies, that did not give more than from 20l. to 50l. a year, though their revenues were enormous.

Lord *Porchester* went over the grounds of his former arguments against the measure. He thought the measure founded on the antient jacobin principle. The worst reform and innovation would be, if it were attempted to reform the church on those principles so exploded by gentlemen over against him on former occasions; yet these were the very principles now set up in this bill. If the gentlemen of opposition had said, in 1794 or 1795, that the church revenues were salaries, mere properties, which the public gave, and the public might take away, the other side would have denounced such language as unwarrantable, and unconstitutional. He thought the bill unprincipled, incoherent, and wicked. He moved an amendment, that this bill be read a third time this day three months.

The *Attorney-General* defended the measure, but would not go over a ground of argument which had been previously so much contested. He insisted that there was nothing new in the principle of the bill, and took shame to himself for nothing so much as that he did not introduce it before.—The house then divided; for the original motion 38; for the amendment 17; majority for the bill 21.—The bill was accordingly read a third time, and after some verbal amendments, passed, and sent to the lords.—Adjourned.

HOUSE OF LORDS.

Friday, May 31.

[CONDUCT OF JUDGE FOX.] The order of the day being read, for the house to resolve itself into a committee on the matters respecting Mr. judge Fox; that venerable person, accompanied by his counsel, Mr. Adam and Mr. Nolan, immediately entered the house, where Mr. justice Fox was placed in a chair below the bar, habited in his judicial robes. Mr. Adam, as soon as the charges contained in the address were read at the table, requested permission to offer a few observations to their lordships, on the part of his learned client. He adverted to the peculiar situation in which the learned judge was placed, a state of accusation before the highest and most august tribunal in the country; a proceeding, forming a case of the greatest importance in itself, and still more important from its perfect novelty, and the consideration of its going to form a precedent for future ages. He then adverted to the whole course of the proceedings, from the period of their having first been instituted, by the first petition presented by a noble marquis, exactly that day twelvemonth to the present moment. He alluded to the alterations which had been made from time to time in the matters of charge; which were not only, to a certain extent, new modelled, but had even new matter, and such very recently added to them. There had been new facts introduced, he said, and charged in a different way. The learned counsel then proceeded to advert to the proceedings upon the case, in the out-doors committee of their lordships; a proceeding instituted from the best and purest motives; but, in this their lordships were placed, he observed, in the situation of a grand jury. The proceedings, in a certain point of view, may be regarded as *ex parte;* and he adverted to the advantages which would accrue to the accusing parties, against his learned client, were he not admitted to the knowledge of those proceedings. What he should have humbly to request of their lordships was, that his learned client should be furnished with a copy of those proceedings, of which he was necessarily in the dark. The novelty of the case added to its extreme importance; and though no precedent obtained to guide their lordships' proceedings, yet, in such a case, he submitted, that the dictates of the common law, and the custom of judicial proceedings, should be allowed to furnish some light. He expatiated upon the distinct nature of grand and petit juries; of those who were to find the accusation, and those who were to try the issue. Publicity was one of the essential attributes of justice. After most ably adverting to the circumstances of the case, and dwelling upon points calculated to illustrate and enforce it, the learned counsel concluded an eloquent and energetic speech, by submitting a request to the above effect, on the part of his learned client, who, he said, was prepared with a petition, if such was judged necessary by their lordships, for the purpose.

The *Lord Chancellor* then moved, that the counsel be ordered to withdraw; which having taken place, his lordship made a variety of observations on the proceeding which had just taken place; and on part of what had fallen from the counsel. As to the proceeding requested on the part of the learned judge, it appeared to him only to involve a question of form. Among other points, he alluded to what had been advanced respecting the changes made in the matters of charge; these, he observed, might be made on various grounds, founded in the wisdom or discretion of those noble lords, who were engaged in the discussion, or who had brought the motion forward; the propriety, therefore, of advancing, that such had taken place, on any particular grounds, which any person may take for granted, he considered as very questionable.

Lord *Grenville*, when he considered the perfect novelty of what was then under discussion, would not offer an opinion upon the general case; yet it struck him as unobjectionable, and as a matter of justice, that the request made on the part of the learned judge should be complied with. He saw no difficulty in point of form; but even if some did prevail, it should yield to the more important dictates of justice; they should endeavour, as far as possible, to place the accuser and the accused on a footing of perfect equality. The previous committee was instituted on the best grounds, and in one point of view was meant as a check against persons in the important station of the learned judge, being lightly called upon to answer for their conduct before that house. The request appeared to him a matter of justice; but even were it to be considered as a matter of favour, whatever favour prevailed, should be preferable for the accused. To bring the question regularly before the committee, his lordship moved, that the chairman be instructed to move the house, "that the committee appointed to investigate the matter alledged in charge against Mr. justice Fox be revived; that they may report to the house what evidence was given thereon, in order that the same may be communicated to Mr. justice Fox."

Lord *Hawkesbury* entertained no serious objection to complying with what was proposed. He, however, in adverting to the mode in which the proposition was made, supported the observations of his noble and learned friend on that part of the subject. He vindicated the proceedings which had hitherto obtained, from which the accusing parties had derived no advantage, but what, from the inherent nature of the case, was absolutely unavoidable.

Lord *Auckland* considered what had been proposed, as proper, just, and necessary. He had foreseen that such a proposition would be made. The previous investigation, in the out-doors committee, which was instituted for the advantage of the accused, would, if the present request was not complied with, operate as an engine of injustice against him. In support of these conclusions, his lordship adverted to some details of the proceeding. He thought the motion of the noble baron a good one; but still, were it amended by the omission of that part which mentions, "for the purpose of the same being communicated to Mr. justice Fox," it would be perfectly unobjectionable.

Lord *Mulgrave*, in delivering his sentiments upon the subject, expressed his doubts whether the advantages alluded to could accrue to the accusers. In illustration of which idea, he adverted to the close and secret nature of the proceedings of the committee.

Lord *Grenville*, in explanation, could not concur with his noble friend's idea, that the committee in question could in any degree be considered as a secret one. The noble baron also adverted to some of the proceedings therein.

The *Lord Chancellor* made some further observations upon the subject; he also expressed his doubts as to the advantages which could accrue from the proceedings which had hitherto taken place; but it should be recollected, that in cases of accusation in general, certain advantages lay, and unavoidably, with the prosecutor. He seemed to entertain doubts as to the propriety, considering the mode, of what was proposed; and he knew of no instance of copies of proceedings of the kind, being granted, on a similar application on the part of the accused.

Lord *Auckland*, in enforcing what he had before advanced upon the subject, expressed his opinion, that, in the present state of the case, it was necessary the request should be complied with. He argued shortly against the idea, that the committee in question was, in any sense, a secret one.—Some further conversation ensued, in the course of which, it was moved by one of their lordships, "that the chairman do leave the chair."—The questions were then put, on which the chairman was directed to leave the chair; and the house resuming, the resolution of the committeee was reported to the house; in consequence, the committee were ordered to sit again on Wednesday next.—Adjourned.

HOUSE OF COMMONS.

Friday, May 31.

[MINUTES.] A new writ was ordered on the motion of lord Ossulstone, for the borough of Shrewsbury, in the room of sir W. Pulteney, bart. deceased.—Mr. Foster, by order of his majesty, in compliance with an address of the house, presented, an account of the estimates of the expences of the board of first fruits in Ireland; also an estimate of the expences for the improvement of the harbour of Howth, near Dublin. Ordered to lie on the table.—The Broadstairs Harbour Improvement bill was read a third time and passed.—Lord Archibald Hamilton brought up the report of the committee, on the petitions against the corn bill, which were ordered to lie on the table, and to be printed. The noble lord also gave notice of a motion for an early day, on the subject of the matter contained in the report.—Colonel Craufurd moved for the following accounts respecting the state of the regular army, to the production of which he understood no objection would be made. 1st, An account of the total effective strength of the regular army on the 1st of May, 1805. This he wished to have only in the aggregate, lest any objection should be made to the disclosure of the detail of distribution. 2d, A return of the number of men that had been raised by the additional force bill, in the few months from the 1st of January, to the 30th of April, 1805, specifying the number raised by the parishes, and by recruiting. 3d, An account of the number of men raised by the ordinary recruiting within the same period. 4th, An account of the casualties in the regular troops on the home establishment, within the same period; and, 5th, An account of the casualties in the foreign stations within the last four months, for which returns have been received at the adjutant-general's office. These accounts were severally ordered. Colonel Craufurd then gave notice, that on an early day after the papers should be laid before the house, he should bring forward a motion on the subject. After a few observations from the chancellor of the exchequer and colonel Craufurd, the motion was fixed for Thursday next.—Mr. Jeffery having mentioned in his motion of yesterday cartain papers which were of importance to the full investigation of the subject to which his former motions referred, without any preface moved, that there be laid before the house, a copy of the letter of sir A. S. Hamond to earl St. Vincent, dated Dec. 28, 1802; also a copy of the answer to the same from earl St. Vincent to sir A. S. Hamond, dated Dec. 29, 1805. Ordered.—On the motion of lord Henry Petty, the returns to the order of a former day, relative to certain sums paid by the receiver-general of the land-tax in Scotland, were ordered to be presented forthwith.—On the motion of sir W. Elford, pursuant to notice, an account was ordered of the quantity of timber of a certain description that had been used in his majesty's dock-yards for ships of the line from the year 1785 to 1805 inclusive.—On the motion of the chancellor of the exchequer, the house resolved itself into a committee of ways and means, Mr. Alexander in the chair. On the motion of the chancellor of the exchequer it was resolved, that from the success of the system pursued last year, it was expedient that a lottery to consist of 90,000 tickets, producing 900,000l. at the rate of 10l. per ticket, should be carried into execution in three lotteries for the present year, and that the lords of the treasury should be empowered to contract for any number of tickets for each, and to make such regulations as they should think fit, relative to the amount of prizes drawn. Ordered.—It was also resolved, that the charges of allowances to adjutants and serjeant majors of the British militia, and the allowance to British militia subaltern officers, should be defrayed out of the land-tax, and that the charges of the pay and clothing of the militia of Ireland should be defrayed out of the consolidated fund of Ireland. On the house being resumed, the report was ordered to be received on Wednesday.—The Universities Advowson bill was ordered to be read a third time this day se'nnight.—The Irish Excise and Customs bill, was read a third time and passed. —On the motion of Mr. Huskisson, leave was given to bring in a bill to amend the act of the 43d of his majesty, chap. 99, relative to the receiver-general of the duties of assessed taxes. The amendments referred to two points: first, to enable the commissioners of taxes in the different counties to administer the oath to the receivers, which, as the law now stood, was required to be taken before one of the barons of the exchequer; and 2dly, to supply an omission in that bill, by directing the receivers to repay the surcharges, now required to be paid in course, if, on appeal to the judges, the surcharges should be reversed.—The house, on the motion of Mr. Vansittart, went into a committee on the Dublin Paving bill, and the blanks having been filled up, the house was resumed, the report was brought up, the bill, as amended, ordered to be printed, and the report ordered to be taken into further consideration on Monday se'nnight. —Mr. Sturges Bourne brought up the report of the Irish Distilleries bill, which was recommitted, when the report was received, and after some conversation the amendments were agreed to, and the bill ordered to be read a third time on Wednesday.—After a short conversation between Mr. Vansittart, Mr. Latouche, and Mr. Alexander, the Dublin Police bill was read a second time, and ordered to be committed on Wednesday.—Mr. Huskisson gave notice, that on Wednesday he would move, that the report of the coal committee be referred to a committee of the whole house, with an intention of moving in that committee that a certain quantity of coals be allowed to be brought to London by the Paddington canal.

[Camberwell Waterworks Bill.] Sir *John Frederick* brought up the report of the committee on the South London Water-works bill. The report which stated only that the allegations of the preamble of the bill had not been proved, having been read, the hon. baronet moved that it do lie on the table.

Mr. *Tierney* observed, that the committee had not made any report of the bill, but merely that the preamble had not been proved; and contended, that in compliance with the forms and proceedings of the house, some report should have been made on the bill itself. The committee had endeavoured to get rid of the bill altogether, by adjourning for six weeks, and afterwards by negativing the preamble and two material clauses, when directed by the house to proceed with the bill. He was at a loss what course to take on the occasion, and appealed to the chair for instruction.

The *Speaker* calling the attention of the house to the subject, stated, that the committee to whom the bill had been committed, having reported to the house, there was in form a report of it before the house. It would, however, be competent to any other member who disapproved of the report of the committee, either to move to negative the present motion for the purpose of proposing clauses on the report which might appear to him necessary to perfect the bill, or should that in his view be impracticable, by proposing clauses to move that the bill be recommitted, which would leave it in a state as if nothing had been previously done in a committee. A discussion of some length took place, during which the motion that the report do lie on the table, was negatived; and on Mr. Tierney's moving that the report be taken into consideration on Wednesday next, an amendment was moved by Mr. Baldwin, that it be taken into further consideration this day three months, on which a division took place. For the original motion 9; for the amendment 51; majority 42.—The bill is of course lost this session.

[CONDUCT OF ADMIRAL SIR JOHN DUCKWORTH.] Colonel *Wood* observed, that in consequence of something that had happened since he had fixed his notice of a motion relative to the proceedings of the court martial on this officer for this day, he was induced to postpone his motion to this day se'nnight.

Mr. *Baker* was of opinion that the hon. gent. would not only be disposed to defer the motion to which he had adverted, but upon consideration would be induced not to bring forward a motion of so extraordinary a nature at all. He was sure that no such motion ought to be made but upon the strongest grounds.

Colonel *Wood* had considered the matter with the most serious attention, and was convinced that he had the strongest grounds for his motion, both with respect to the proceedings of the court martial and the conduct of the hon. admiral alluded to. It was to accommodate the minister of the country, who wished to have time to consider the propriety of the motion, that he had proposed to defer it.

[CONDUCT OF THE CHANCELLOR OF THE EXCHEQUER.] Mr. *Henry Lascelles* said, he felt sorry at not seeing the hon. gent. (Mr. Whitbread) who had given notice of a motion for Tuesday se'nnight, in his place. He had himself yesterday, on a supposition that the part of the report of the committee on the tenth report, which related to the conduct of the chancellor of the exchequer, would not require much time for consideration, stated his intention to bring the question forward at an earlier day than that proposed by the hon. gent. But when he had stated this intention, he was not aware of the interference of the holidays, and that many gentlemen might not have the report in their hands till Wednesday. One day's consideration of the report could not be sufficient, and he therefore had risen to state, that it was not his intention to bring the subject forward as he had proposed. His own mind, however, was fully made up on the subject; and he had reason to believe, that many members of the committee thought with him. If therefore, the resolutions which the hon. gent. meant to propose to the house should be of a criminating nature, he was determined, if not anticipated by some member of the committee, better qualified by talents and abilities for the occasion, to move resolutions of a nature directly the reverse of those of the hon. gentleman.

[GROWTH OF TIMBER.] Sir *William Dolben* regretted that there should be found such a lamentable deficiency of timber, the growth of Britain, not merely for domestic purposes, but even for the supply of our navy. He thought that no enclosure should be allowed without making it compulsory on those who were to be benefited by it, to plant a certain quantity of timber. He should, therefore, move for a committee to take into consideration the state of growing timber in this country, and he expected the assistance of every country and county member on this point.

The *Chancellor of the Exchequer*, while he admitted the importance of the subject, was compelled to observe, that the only mode of increasing timber, recommended in the observations of the hon. baronet, was one which was compulsory, but which was not reconcileable to sound policy and expediency.

Sir *W. Dolben* considered all enclosures as equally compulsory in principle. They were never agreed to without dissentients, who could not have their land as they pleased, but were obliged to submit. He saw no hardship, in the same rule, in making men who were engaged in enclosures for their private benefit, do something for the public advantage also. An acre in fifty was not too much to require in such a case.

Sir *W. Elford* objected to the principle laid down by the hon. baronet.

Admiral *Markham* thought that the subject was a very important one. If this were not a proper time to discuss it, such a time must soon arrive. He spoke as an eye-witness. He had seen the lamentable situation in which we were sometimes placed, from the want of sufficient British timber. There was a great deal to enquire into. Perhaps the matter ought to be taken up in a more enlarged sense than was now proposed. Beside the consideration of the royal docks, there was not as yet an absolute dearth, but there soon would be one. Something might possibly be done to prevent the unnecessary consumption of timber, especially oak timber, and more regulations passed concerning export and duty, as the whole of the subject required full consideration.—The motion was negatived.

[CONDUCT OF SIR HOME POPHAM.] The *Chancellor of the Exchequer*, after a few observations, took notice of the report from the committee, stating the answer of the house of lords to the application for leave to examine lord St. Vincent before the committee; that committee had wished to examine his lordship on sundry points respecting Mr. D. E. Bartholomew and other matters, to ascertain how far his lordship had concurred in those proceedings. He believed it would not be denied, that it was unusual for their lordships to allow any noble lord to be examined by that house, on any point which might have a tendency to criminate himself. He conceived that the most regular mode, in every view of the business, would be, to move that this report be re-committed to the same committee.

Mr. *Kinnaird* said, that it was resolved, by a large majority in the committee, to present this report as it now stood, to the house. The committee did not think it right to call on his lordship as a party, though possibly the lords might think some part of the evidence had a tendency to criminate his lordship: they did not think it fit to call upon his lordship as judges. He would rather send back the report to the committee, with instructions as to the sort of answer to be given to their lordships, whether specific or otherwise. He should rather, under these circumstances, request the attendance of Lord St. Vincent as a witness, that, being subject to their lordships' limitations, as in the case of lord Melville, in whose case their lordships put that wide interpretation upon the request, that it might tend to matters to criminate the noble lord.

Sir *John Stewart* said, it was at first intended to examine Lord St. Vincent merely as a witness, but matters afterwards came before the committee, that rendered the attendance of his lordship in that view only, impracticable.

Sir *W. Burroughs* said, he coincided with what had fallen from the hon. baronet. He thought many parts of the evidence such as the noble earl would not wish to go to the public as they stood, and he wished to give his lordship an opportunity of correcting them. If the house thought they ought not to persist in the examination, it was better now to let it rest.

The *Speaker* said, the custom of the house was, not to instruct the committee as to their report; but the committee were to gather from the sense of the house, in its proceedings, what method they ought to pursue.—The report was re-committed to the same committee.—Adjourned to Wednesday.

HOUSE OF LORDS.

Wednesday, June 5.

[MINUTES.] Lord Barham (late sir C. Middleton) was introduced with the accustomed formalities, sworn and took his seat. His lordship's supporters were, lords Boston and Woodhouse.—The royal assent was given by commission to the Land Tax Commissioners' Name bill, the Property Tax Amendment, the Naval Enquiry Renewal, the Military Commissioners, the Irish Spirit Licence bill, the Wine Duties bill, and the Slate Exemption Duty bill, and to thirty-two acts of a private or local description. The lords commissioners were, the lord chancellor, lord Walsingham, and lord Auckland.—The earl of Suffolk said, that with respect to the motion, of which he had given notice, he believed for that day, relative to the state of Ireland, he should defer it for the present. He did not, however, relinquish his intention, but meant to bring it forward, probably in the course of next week, but of the particular day he should take care to give due notice. On the motion of the bishop of London, and relative to which proceeding a few words were said in a very low tone of voice by the earl of Bridgewater; their lordships were ordered to be summoned for Monday next.—The earl of Suffolk, seeing a noble secretary of state in his place, expressed his wish to learn in what state of forwardness the accounts were respecting the drawing of bills from the West India Islands upon his majesty's treasury, which had been ordered to be produced upon his motion on a former day; or, when it was probable they would be laid before the house? Lord Hawkesbury observed, he believed the papers were in that state of preparation, that they would be ready in the course of a few days. He had, however, to repeat his wish, that the noble earl would particularize some fact or circumstance which, it was his wish, as the object of his motion, to collect from the accounts in question. With respect to the case of a particular bill, to which the noble earl referred on a former evening, he had reason to think the facts were misrepresented to him; such proceedings never obtained without the permission of the holder. There was an allowance of five per cent. but from this no person could derive any profit, because the bills were only paid at the bank. However, to bring the subject fully to the view of the house, he would move "for an account of all bills drawn from the West India settlements upon his majesty's treasury, beyond a certain amount, from the 1st of December, 1798, to the 1st of December, 1802, with the dates, amount of interest paid to the holder, &c. should be laid before the house." The earl of Suffolk, in explanation, contended, that he had been well informed as to what he stated on a former evening. In one of the cases, the party agreed to the proffered accommodation; in the other it was refused; he had his information from the best authority; he had also information on the subject from some of the principal West India houses. Lord Hawkesbury having moved to the foregoing effect, it was ordered accordingly.

[CONDUCT OF JUDGE FOX.] On the motion of lord Auckland, the order was enforced for the exclusion of strangers; and, in consequence, the doors were kept shut for about half an hour. Immediately after our re-admission into the house, their lordships resolved into a committee, lord Walsingham in the Chair, on the case of judge Fox.

The *Lord Chancellor* stated, that from the best attention he could give to the subject of discussion in the committee, the last evening of their lordships' meeting, he was led to conclude, that it was impossible, consistently with the forms of the house, to give effect to the motion then made. This opinion of the noble and learned lord gave rise to a short debate, or rather conversation, in which earls Spencer and Carlisle, lords Auckland, Mulgrave, and Harrowby, and the marquises of Buckingham and Abercorn, took a part. The noble earls above mentioned expressed their regret, that it should be deemed preferable to adhere to form, in a case where the most important interests of justice were at stake.

The Earl of *Carlisle*, in particular, adverted to the advantage which he conceived the accusing parties must derive from the proceeding which took place in the former committee, and observed, that if these were not to be communicated to the accused, their lordships would be metamorphosed from their former capacity of grand jury finding a bill, to a petit jury, whose function it was to try the cause.

Lord *Auckland* called to the recollection of the committee his doubts on a former evening, that the motion could not consistently be acted upon. He regretted part of the proceedings which had taken place, as contrary to his sense of propriety, but had to express his hope, that no copy of proceedings had been communicated.

Lord *Mulgrave* contended, that full and substantial justice might be done to the parties, notwithstanding the proceedings that had hitherto taken place; these made no difference, and could not affect the proceedings now in train, in which the case would be openly and regularly canvassed at the bar of the house, and evidence heard on both sides. The noble secretary of state observed, that if the officers of the house had done their duty, no communication of the proceedings in question could be made.

The Marquis of *Buckingham* made a few observations in support of what fell from noble lords on his side of the house. He considered, upon the whole, the learned judge, as being placed in a worse situation, in consequence of the proceedings hitherto adopted. He then adverted to the effect of certain proceedings which had taken place.—After the lord chancellor had shortly explained, it was ordered, that counsel and evidence should be called in. Accordingly Mr. Romilly, for the petitioners, in support of the accusation, and Messrs. Adam and Nolan in behalf of Mr. justice Fox, appeared at the bar. The learned judge himself took his seat below the centre of the bar. Mr. Romilly immediately entered upon the facts of the case. He stated he was counsel for Mr. John Fawcett, and ten other persons, who presented one of the petitions, complaining of certain parts of the conduct of Mr. justice Fox in his judicial capacity, while on the north-western circuit, in the summer of the year 1803, in Ireland. The first witness brought forward was Mr. John Fawcett above mentioned. He was very shortly examined; when Mr. Johnson, clerk of the crown for the county of Fermanagh, &c. was brought forward: this gentleman was examined in brief by Mr. Romilly, and afterwards at greater length cross-examined by Mr. Adam, on the part of Mr. justice Fox. He was shortly examined by Mr. Romilly, and was asked several questions on the part of their lordships. Mr. William Armstrong, another of the petitioners, was the third witness called.

The Duke of *Clarence* objected to the examination of this witness, as he was one of the petitioners, and it was a rule of the house that no petitioner should be examined as a witness in his own cause.

Lord *Ellenborough* considered this rule as applying only to the civil causes which came before their lordships. In the courts below, the evidence of a prosecutor was always admissible; and, from analogy, he was of opinion that the present petitioners might be examined at the bar.—The house appeared to be of this opinion; and the counsel, who had withdrawn, were again called in. After they were called in, however, the point was argued at great length by Mr. Adam and Mr. Nolan on the one side, and Mr. Romilly on the other. Their lordships then finally decided that the petitioners should be examined. The witness was again called in; but the farther proceedings were adjourned until to-morrow.

HOUSE OF COMMONS.

Wednesday, June 5.

[Minutes.] Mr. Quarme, deputy usher of the black rod, appeared at the bar, and summoned the house to attend the house of lords, to hear the royal assent given by commission to certain bills. The speaker, on his return, informed the house, that he had been in the house of lords, and heard the royal assent given by commission to the Perpetual Wine Duty bill; the Slate Duty bill; the Army Commissioners' bill; the Hull Dock bill; and several private bills.—Lord Douglas moved for a new writ for the county of Forsar, in Scotland, in the room of sir D. Carnegie, bart. deceased. Ordered.—Sir W. Lemon, brought up a petition from the nobility, gentry, clergy, and freeholders of the county of Cornwall, on the subject of the tenth report. Ordered to lie on the table. (See vol. iv, p. 847.)—The London Port bill was committed, and the report ordered to be received to-morrow.—Mr. Whitbread moved for an account of the balances in the hands of the receiver-general of the customs, on the 5th of January, 5th of April, 5th of July, and 5th of October, in each year, from 1793, to the 5th of April last, with the names of the persons in whose hands the said balances respectively were. Ordered.—Sir John Stewart brought up the first report of the select committee, appointed to investigate the papers relative to the repairs of the Romney and La Sensible, whilst under the command of sir H. Popham. Ordered to be printed.—Mr. Johnson, from the office of the chief secretary for Ireland, presented at the bar an account of the money expended in criminal prosecutions in Ireland. Ordered to lie on the table.—Lord W. Russell brought up the minutes of the evidence taken before the committee on the South Lambeth Water-works bill, which was ordered to be printed; and the further consideration of the report, was, on the motion of Mr. Tierney, postponed till Friday.—Colonel Stanley rose to postpone the motion of which he had given notice for this day, to refer the report of the committee on the duke of Atholl's petition, &c. respecting the Isle of Man, to the consideration of a committee of the whole house. He understood that many gentlemen who did not suppose it was fixed for this day, were disposed to deliver their sentiments upon it; in order that those gentlemen should attend, as he was desirous to have the business fully discussed, he was induced to postpone it till to-morrow. Mr. Creevey observed, that as the object of his proceeding on the part of the petitioner was to invalidate an act of parliament, he wished the evidence taken before the committee to be presented, before the house should go into the consideration of the subject. In order to afford time for this, he thought it desirable that the hon. gent.'s motion should be postponed till Friday. Mr. Curwen had no doubt it would be found that many facts alledged in the report were in direct contradiction to the evidence.—The Irish Distillery bill, and the West India Free Port bill, the Auditors' bill, and the Post Horse Duty bill, were severally read a third time, and passed.—On the question that the bill for supplying certain towns in Ireland with water, be read a third time, Mr. Foster opposed it, on the ground that it gave too great a power to the grand juries. He therefore moved, that it be read a third time this day three months. Colonel Bagwell differed from his right hon. friend who spoke last, and thought the bill gave no novel or extraordinary power to grand juries, and hoped therefore the house would agree to the third reading. Sir J. Stewart said a few words in favour of the amendment, which was carried without a division, and the bill, of course, lost.—

Mr. Alexander brought up the report of the committee of ways and means; the resolutions were agreed to, and bills ordered thereon. He then brought up the Tax Collectors' Amendment bill, which was read a first time, and ordered to be read a second time to-morrow.

[MIDDLESEX ELECTION.] Mr. *Creevey* presented a petition from certain freeholders of the county of Middlesex in the interest of sir Francis Burdett, praying that they may be allowed to defend the seat of the hon. baronet, &c. The petition was then read, setting forth, "that the petitioners are freeholders of the county of Middlesex, and claim to have had a right to vote at the last election of a knight of the shire for the said county; and they are informed, that a petition, signed by G. B. Mainwaring, esq. therein describing himself a candidate at the said election, and others, has been presented to the house, complaining, among other things, of the election and return of sir Francis Burdett, baronet, to serve in parliament for the said county; and that the petitioners have observed, by a notice, inserted in the London Gazette on the 7th day of May last, by order of the speaker of the house, that after the presenting of the said petition, the said sir Francis Burdett, then being the sitting member for the said county, did, on the 6th day of May last, under and by virtue of the provisions and enactments contained in the second section of an act of parliament, passed in the 28th year of his present majesty, intituled, "an act for the further regulation of the trials of controverted elections or returns of members to serve in parliament," inform the house, by a declaration in writing, subscribed by him, and delivered in at the table of the house, that it was not his intention to defend his said election or return; and therefore praying, that under and by virtue of the provisions and enactments contained in the said hereinbefore in part recited act, they may be admitted as parties in the room of the said sir Francis Burdett, and be considered as such to all intents and purposes whatever."

Mr. *Creevey* gave notice that it was his intention to move to-morrow, that the order which stands for Friday, for the appointment of a ballot to try the merits of the Middlesex election, shall be discharged. The hon. member added, that he should move that order to be postponed to a future day, with a view to afford a fair time to the parties to prepare and exchange lists.

The *Speaker* stated, in answer to a question which had been put to him, that, conformably to the terms of the act, the petitioners in this case were entitled to all the rights that belonged to the candidate on whose side they came forward.

Mr. *H. Thornton* wished the hon. member, who had given notice of the motion upon this subject would state the time to which he proposed to postpone the order that stood for Friday, as he apprehended it would be found to be the opinion of the house that the petitioners were not entitled to the exchange of lists.—Ordered, that the said petitioners be admitted parties in the room of the said sir Francis Burdett, bart. according to the prayer of the said petition.

[PETITION FROM THE BRITISH MUSEUM, RESPECTING MR. TOWNLEY'S COLLECTION.] The *Master of the Rolls* presented a petition from the trustees of the British Museum, praying the aid of parliament to enable them to purchase the collection of antient sculpture left by the late Mr. Charles Townley, of Park-street, Westminster. This collection was not to be rivalled in this country. It was one which vied with, perhaps, any private collection of similar works to be met with in any part of Europe. Such an acquisition to our national museum was much wanted. Foreigners had long since remarked, that our country was the only great state of Europe where a public collection of the famous productions of the antients, in the art of sculpture, is not to be found. In the present situation of Europe, and of this country, it was greatly to be wished that we might have within ourselves subjects in that branch of the arts for the study of our artists; and under these circumstances the British Museum has solicited the aid of parliament. On the other hand, the persons who have the direction of the affairs of the late Mr. Townley, have signified their readiness to dispose of so much of the collection as the trustees of the Museum wish, on terms deemed very reasonable. Having said this, there remained for him just to observe, that all he meant at present was to move, "that the petition be referred to a committee, and that they do consider the matter thereof, and report the same, as it shall appear to them, to the house."—Then the said petition was brought up, and read; setting forth, "that, by the munificence of parliament, the Sloanian and

Harleian collections of books, manuscripts, records, coins, medals, gems, and other rare and valuable articles of science and literature, have been heretofore purchased at the public expence, and placed as an addition to the Cottonian library, under the care and management of the trustees of the British Museum; and that the collection of Etruscan, Grecian, and Roman antiquities, belonging to the late sir William Hamilton, was afterwards purchased by parliament in like manner, and vested in the same trustees, to be placed in the same general repository; and that many large and valuable benefactions of books, coins, medals, and specimens of natural history, have since been received, from time to time, so as nearly to occupy the whole of the building assigned for those purposes; that when his majesty was graciously pleased to direct that the Egyptian antiquities, obtained in the last war by the valour of his majesty's arms, should be placed in the British Museum, a liberal aid was granted by parliament towards the erection of a suitable addition to the present building, as well for the purpose of preserving these securely and conveniently, as also for the reception of other important specimens of the fine arts, already in the possession of the trustees, and to which it was hoped that material additions might be made from time to time, which building has been undertaken accordingly, and will be nearly completed in the course of the present year; and that the late Charles Townley, esq. who was a trustee of the British museum, did, in his life-time, by successful exertions, and at a large expence, during a long course of years, form a most valuable collection of ancient sculptured marbles, which, for their perfect condition, and exquisite taste, far exceed any private collection in this country, and are not surpassed (as it is believed) by any other of equal extent in Europe; and that the family of the late Charles Townley, esq. to whom this collection was bequeathed, in consequence of a representation to them, that the preserving and exhibiting it to the public view in the metropolis would be highly advantageous to the cultivation of the fine arts, and at the same time honourable to the memory of their deceased relation, have expressed their consent to surrender this collection to the public, if parliament should be disposed to purchase the same at the sum of 20,000l. being (as they state) far less than its value, and if the like privilege were conferred upon their family as was granted, in the like cases, to the families of sir Hans Sloane and the earl of Oxford, by vesting in the heirs of the late Charles Townley, esq. the power of nominating two trustees of the British Museum in perpetual succession; and that the petitioners conceive it to be an object of great national importance for the improvement of the fine arts, that a collection of antique sculpture, of such acknowledged and unrivalled excellence, should be acquired and preserved for public inspection and use; and they have felt it the more incumbent upon them to submit these circumstances to the consideration of parliament, as they believe it to be universally allowed, that a collection in this branch of the fine arts, to which artists can have free access, is much wanted in this country, and as the additional buildings, already provided for by the liberality of parliament, have been planned in a manner the best adapted for receiving such a collection, and exhibiting it to the greatest advantage."

Sir *William Young* bore distinguished testimony to the excellence of the collection, and the great merits of Mr. Townley, not as a collector only, in which respect his merits were undoubted, but likewise as a judge of the arts, and of the greatest correctness of taste. The collection was worth four times 20,000l. He wished it to be recommended to the committee, to grant sufficient to purchase the whole collection, of which the articles of sculpture, though so eminent, formed but a part. The collection was superior to any private collection in this country, and even superior to any private one, excepting four or five in Rome itself; the capital of the liberal arts. If, therefore, the representatives of Mr. Townley would be willing to part with it, he wished the committee to extend the purchase to the whole collection.

The *Master of the Rolls* observed, that such a purchase was no doubt desirable, but the trustees of the British Museum did not wish to overstrain the liberality of parliament.—A committee of the house was now appointed to consider of the petition, and report to the house.

[Non-Residence of Irish Clergy.] Sir *J. Newport* rose in pursuance of the notice he had given relative to the residence of the clergy in Ireland, and stated, that it was desirable a bill similar to that passed for the same purpose in this country should be passed for that. The honourable baronet stated the object of these motions to be, that the house should be put in full information previous to the discussion of the measure for enforcing the residence of the Irish clergy, which a learned gentleman (Dr. Duigenan) had given notice of his intention to bring forward next session, but the adoption of which he had expected this session. If the learned gentleman should not bring forward this measure early in the next session, he felt it so material to the interest of the protestant establishment, that he should himself conceive it his duty to bring it before the house. The non-residence of the Irish clergy was a great grievance, but the union of the parishes was still as mischievous. This practice of uniting parishes, merely in order to increase the revenues of individual clergymen, was such, that in some cases there were fourteen parishes under one pastor: of course there was but one protestant church in that district, in which there were 14 catholic chapels. He submitted to the house whether such a state of things was calculated to forward the interest and doctrine of the church establishment. The hon. bart. concluded with moving, "that there be prepared, a return of the names of every dignity, prebend, benefice, donative, and parochial chapelry, within the several dioceses of Ireland, and of all the persons possessing the same who shall not have resided on such dignity, prebend, benefice, donative, or parochial chapelry, during one year last past, so far as the several archbishops or bishops may be informed thereof, in order to the same being laid before the house early the next session of parliament, by the registers of the several dioceses; distinguishing such persons as have received licence or permission from their diocesans for their non-residence." Also, "that there be prepared, by the registers of the several dioceses of Ireland, returns of the names and number of parishes comprized in each union of parishes within their respective dioceses, the period of time when such respective parishes were united, and the authority under which such union was effected, the number of acres of glebe which appertain to each parish, and whether any glebe house is erected thereon, and the distance at which such respective parishes so united lie from each other, when such parishes are not contiguous; and whether any, and what number of churches in which divine service is performed, are now severally thereon, or were at the time when such parishes were united, so far as the same can be made out, in order to the same being laid before the house early in the next session of parliament."

Mr. *James Fitzgerald* warmly supported the motion. He thought it evident that the protestant religion must decline in a country where there were catholic chapels for every parish, and where many parishes were without protestant places of worship.

Mr. *Vansittart* did not purpose to oppose the motion. He could not, however, but remark, that the returns to the order would of necessity be very imperfect, as it was not long since the practice of making diocesan returns was established in Ireland. He was decidedly against any innovation, by which the constitution of the church of Ireland might be altered. As to the other topic mentioned by the hon. baronet, namely, that of the consolidation of livings in Ireland, he believed it would be found, on enquiry, that the method was extremely salutary.

The *Chancellor of the Exchequer* stated, it was the full intention of an hon. and learned gent. (Dr. Duigenan) to propose the manner alluded to by the hon. mover for enforcing the residence of the Irish clergy.

Mr. *Alexander* said, that bishops in Ireland often divided parishes that were too extensive for the attendance of one rectory.

Sir *George Hill* bore testimony to the regular residence and laudable demeanour of the clergy in three dioceses of the north of Ireland, with which he was well acquainted.—Both the motions were agreed to.

[PRIZE AGENCY BILL.] The report of the prize agency bill was brought up, and several amendments, introduced by sir W. Scott, were agreed to.

Mr. *Johnstone* adverted to the charge brought before the house on a former occasion by admiral Cochrane against the king's proctor, alledging that he permitted his partner, in many cases, to act for the adverse party; and animadverted in strong terms upon such a practice, particularly in an officer who, according to the statement of the hon. mover of this bill, received not less than 13,000l. a year net profit from his business. The hon. gent. remarked that when the charge of gross malversation which he alluded to was made, the learned gent. (sir Wm. Scott), did not contradict it.

He concluded with moving a clause, that any proctor who shall allow his partner to take the adverse side, or who shall directly or indirectly receive any part of the profits from the proctor on the other side, or any other person, shall, upon conviction thereof, be utterly excluded from the profession, and any place whatever he may hold in the admiralty or vice-admiralty courts. And also that for every offence the offender shall forfeit 500l. to be recovered on information, &c.

Sir *W. Scott* did not see the necessity for this clause, as the practice it referred to was already pronounced illegal and was punishable on detection. He had no objection, however, to its import, and therefore should not oppose it.—The clause was adopted, the bill was gone through, and ordered to be read a third time to-morrow.—Adjourned.

HOUSE OF LORDS.

Thursday, June 6.

[Conduct of Judge Fox.] Upon the order of the day being moved for their lordships to resume the examination of witnesses relative to the charge preferred against the honourable Mr. justice Fox, counsel and strangers were ordered to withdraw. Their lordships remained deliberating near an hour; the learned and venerable judge was then called in, and Mr. Romilly re-commenced the examination of Mr. Armstrong, the foreman of the jury, upon whose petition and complaint the present enquiry was instituted. The witness was first asked, whether, after he had heard the evidence upon the indictment which had given rise to the conduct of the learned judge, he could conscientiously have found any of the prisoners guilty? Mr. Adam objected to this question as too general, and it was waved. The witness, on being cross-examined by Mr. Adam, stated, that the trial in question took place on the 19th of August, 1803; that additional evidence was gone into after the jury had retired; that the witness, as the foreman, delivered the verdict of acquittal, having been out about half an hour. On the 20th of August, the day after the trial, Mr. justice Fox desired the clerk of the crown to deliver to him a list of the petit jurors. When he had received the list he desired the grand jury to be called, and he stigmatised the petit jury as unworthy of being believed on oath, and unfit to act in the capacity of jurors. He also ordered the clerk of the crown to deliver the list to every succeeding judge, as consisting of men unfit to act as jurors; also that the high and under sheriff should have lists delivered to them, in order that it might be known the jurors were branded with infamy by the verdict they had given, and further, that their names should be posted up in the grand jury room. The witness stated, that he had been examined on this subject before a committee of the house of lords. He added, that shortly after the circumstance to which he was deposing, he and his brother jurymen applied to counsel for advice. Upon being asked when he first saw the present petition, he said it was as long after the trial as the summer of 1804; one of the jury brought it to him for his signature. He believed the name of this juror was Fawcett. He admitted that in the part of Ireland in which he and the rest of the jury resided, though they did not receive the newspapers, they had means of knowing what passed in parliament. He knew, before he signed the petition, that a complaint had been made in the house against Mr. justice Fox. He said, Fawcett and Weir brought the petition to him; more of the jury were present at the time. It was at the house of Mr. Reid, an innkeeper; they met in a parlour of the inn. He did not know who drew up the petition. Mr. Romilly submitted that the counsel for the learned judge had no right to press this course of enquiry. Mr. Adam contended, that as the jury, by preferring a joint complaint against the learned judge, were united as plaintiffs in the same cause, whatever any of them had done or said, was capable of being proved, and was equally applicable to all.

Lord *Ellenborough* said, there could be no question with regard to the competency of the evidence. In all prosecutions carried on in criminal courts, it was the ordinary and constant course to examine into the motives by which the prosecutors were actuated. If it appeared that they held private assemblies, and consulted secretly together, it was a most pregnant and important fact in the consideration of the charge: it indicated the motives the prosecutors had in view; it shewed that the prosecution, instead of being founded in a sense of private injury and a regard to public justice, proceeded from malice, ill will, or some other impure motive. Not only the assembly or meeting of the prosecutors was an act material to be proved; but the declarations of any of them accompanying such act were important. The objection to the evidence, therefore, would not bear an argument. The witness proceeded to state, that he did not know who drew up the petition, or who gave instructions for it. They employed an attorney, who sometimes lived in Dublin, and sometimes in Fermanagh. This attorney was the father of one of the jurors. The witness was asked, whether he had given the same kind of evidence before the committee of the house of lords?

Lord *Hawkesbury* thought it irregular to refer to the evidence given before the committee.

The Duke of *Clarence* intimated, that, as the question had been objected to by a noble lord, it would be proper for the learned counsel to withdraw it.

Mr. *Adam* contended, that he had a right to ask the question, in order to compare the evidence given by the witness now, with that which had been given before. It was a course of examination which went to the credit of the witness's testimony. He therefore thought, with submission, that their lordships would allow him to proceed. Mr. Nolan supported his arguments. Mr. Romilly was heard on the other side.

The *Lord Chancellor* said, their lordships were called upon by the counsel for the learned judge to direct that to be done, which they had said should not be done. Their lordships had refused to communicate the evidence taken before the committee, and yet they were desired to suffer the counsel to ask questions which would oblige the witness to repeat his evidence over again.

Lord *Minto* observed, that he was not aware their lordships had ever come to any such decision. He did not know they had ever passed any vote upon the subject. He certainly recollected a noble lord's moving a question of the kind, but their lordships adjourned without agreeing to it. It was brought on again, but no resolution was adopted. He was of opinion that it was a question which required further deliberation; it was important to substantial justice that it should be reconsidered; not to do so would, he conceived, be a sacrifice of justice to forms. The only ground of argument stated for refusing to publish the evidence before the committee was, that it was a secret committee. Why was it called a secret committee? Sure he was, it did not bear that character; nor was there, in its proceedings, any circumstance from which it could, with propriety, have been so denominated. It was so far secret, that out of regard to the learned judge, it was deemed proper not to publish the evidence before their lordships had determined upon the enquiry at their bar; but the motive for secrecy ceased, the moment their lordships were of opinion there ought to be a public investigation. As it was a proceeding connected with the administration of public justice, the character of publicity naturally attached to it. He hoped therefore that house would deliberate on the propriety of publishing the proceedings of the committee. It was obvious that if it was not published, the learned judge would have to defend himself at a very great disadvantage; while, on the other hand, every advantage would be afforded to the petitioners: while the evidence was kept secret, it was difficult even to know who the petitioners were, or whether it was the cause of the petitioners themselves, or of other parties. He alluded particularly to a noble marquis who was an accuser upon this occasion. Their lordships could not but be sensible that the accusers and the accused did not stand on equal grounds, because the former were acquainted with the whole of the evidence given before the committee, while the latter was entirely ignorant of it. Their lordships too were placed in an embarrassing and delicate situation, from which nothing but the publication of the evidence could relieve them; they had the evidence, but it should be recollected that it was given *ex parte;* it was the evidence of the accusers, who consequently had never been cross-examined. Their lordships came to the investigation with that impression which three weeks evidence, not cross-examined, was calculated to produce. The objection in this case was not of the same force as in ordinary cases, for though the evidence given before a grand jury was *ex parte*, they did not communicate it to the petit jury who tried: their lordships, as grand jury, first heard the *ex parte* evidence, and then, with that previous impression, proceeded to try the accused. This he conceived wrong, and therefore he hoped their lordships would take the subject into their serious consideration.

Lord *Sidmouth* said, the house was at

liberty to deliberate again on the subject of the noble lord's speech, as no formal decision had taken place. He had understood that a general admission had been made, as to the difficulty of publishing the evidence, not arising merely on the point of form, but other obstacles which stood in the way. He was however of opinion, that an adherence to forms would ultimately be attended with most substantial justice. The evidence before the committee had been taken, in order to enable their lordships to judge of the propriety of pursuing the enquiry. It was now proposed to use that evidence for a different purpose. As to the circumstance of the learned judge being ignorant of facts known to the petitioners, it was an inconvenience to which every person accused was subject. He was of opinion that there was not sufficient ground to induce their lordships to publish the evidence.

The Earl of *Carlisle* observed, that the evidence on the enquiry before the committee ought to be as public as the sun at noon-day. Why were short-hand writers employed to take down the evidence, if it was afterwards to be kept a profound secret. He was of opinion that their lordships, in justice to the learned and respectable magistrate at the bar, ought to allow him the benefit of his counsel having the whole of the evidence before them.

The Earl of *Buckinghamshire* considered the publication of evidence, so entirely *ex parte* as that taken before the committee, to be extremely improper.

Earl *Spencer* urged the measure of furnishing the learned judge at the bar with a copy of the evidence taken before the former committee. He also thought, that the present evidence should be printed for the use of the house.

Lord *Hawkesbury* had no objection to the evidence now going on being made public. It was not like that before the former committee, merely an examination in chief. The witnesses at the bar were subject to a cross-examination, and therefore their evidence would go to the world with all the colouring the parties on either side could give to it.

The *Lord Chancellor* stated, that it was absolutely necessary their lordships should come to some decision on the subject under consideration; but it was his opinion, that in the mean time the question proposed by the counsel should not be put. If the learned counsel were permitted to put such questions, it was evident, that, with his active mind, he would easily draw from the witnesses every thing they had stated in the former committee. In order to enable their lordships to come to a decision on the main question, it was necessary that some noble lord should make a motion on the subject, and he felt it very difficult to form an opinion as to what the purport of that motion should be. It had been proposed on a former occasion to revive the committee, and whether that was the mode which ought now to be taken, he did not pretend to decide. He reminded their lordships, however, that in coming to a decision on this case, they would establish a precedent which would apply to all cases generally. Every word of the evidence taken before the committee might have redounded to the honour and credit of Mr. justice Fox; but in making this supposition, their lordships were aware that the rule of furnishing evidence might be applied to cases of a very different nature.

Lord *Ellenborough* agreed with the noble and learned lord, that the question should not now be put; but he was of opinion, that, unless the forms of the house precluded such questions, the general law of evidence authorized the counsel to put them. He thought that the committee had already come to a decision on the question of furnishing a copy of the evidence; but, as that was not the case, he hoped they would determine it without further delay.

Lord *Minto* observed, that the propriety of furnishing a copy of the evidence before the former committee, and the right of the counsel to put such questions as that now under consideration, formed, in his opinion, two separate points of discussion. He now moved that the chairman do leave the chair; and gave notice, that he would to-morrow make a motion for reviewing the former committee.—After some conversation, this motion was agreed to.—The lord chancellor having taken the woolsack, a conversation arose on the form of the motion.

Lord *Hawkesbury* was of opinion, that the object of reviving the committee should be expressed in the motion, whether it was to be for laying the evidence on the table, or communicating it to the learned judge. If it was produced at all, he thought it should be printed.

Lord *Ellenborough* suggested that the evidence should lie on the table for the inspection and reference of the counsel on both sides.

Lord *Minto* was at present inclined to

make the production of the evidence, and the future application of it, the ground of two separate motions.

The Earl of *Carlisle* gave notice, that he would, to-morrow, present a petition from Mr. justice Fox, praying, that the evidence taken before the former committee might be printed.—On the motion of lord Auckland, the evidence hitherto taken at the bar of the house was ordered to be printed.—Adjourned.

HOUSE OF COMMONS.

Thursday, June 6.

[MINUTES.] Sir Lawrence Parsons was sworn, and took his seat, on his re-election, after accepting the office of one of the commissioners of the treasury in Ireland. — Mr. Brooke presented petitions from 39,000 clothiers of the county of York; and from the clothiers of Somerset, Gloucester, and Wilts, in favour of the bill relating to their trade now before the house. Mr. Brooke observed, that the contests now existing had lasted for three years. What he wished was, an equitable arrangement between masters and workmen; he wished the law to be reduced to a compendious system, so that the masters and workmen may be able to understand it. Mr. H. Lascelles thought the present period of the session too late for introducing a bill of such magnitude; he thought arrangement necessary, and the subject of sufficient magnitude to engage the attention of government. Sir R. Buxton and admiral Berkeley spoke to the same effect; the latter objected to the bill, as putting a stop to the use of all machinery. The petitions were ordered to lie on the table.—On the motion of sir C. Price, the report of the committee on the bill for the completion of the London docks was ordered to be re-committed to a committee of the whole house.—On the motion of Mr. Tierney, the further consideration of the report of the committee on the Camberwell Waterworks was put off till Monday. — On the motion of Mr. Baker, the bill for regulating contracts relating to the poor was re-committed. Some amendments were made in the committee, and the report ordered to be received to-morrow. Mr. Brooke moved that the bill for regulating the Woollen Manufacture be read a second time on Monday next.—Sir Robert Buxton moved as an amendment, that the bill be read a second time this day three months. Mr. Brooke hoped the hon. baronet would withdraw his motion, in order that the opinions of gentlemen might be collected, for the purpose of preparing a bill of general arrangement against the next session. Mr. H. Lascelles wished the amendment to be withdrawn, with a view to turn the attention of his majesty's government to this subject, for the purpose of a complete arrangement early in the next session. Sir R. Buxton consented to withdraw his amendment. Admiral Berkeley consented to put off the second reading till Monday, with a view to ascertain the sentiments of government, but with the determination to move, that it should then be further put off till that day three months.—Mr. Creevey moved that the order for taking into consideration the petitions complaining of an undue election in the county of Middlesex be put off from to-morrow till to-morrow se'nnight. Ordered.—Mr. Huskisson wished, that, in consideration of the absence of the chancellor of the exchequer, from indisposition, the discussion on the Duke of Atholl's claims, with respect to the Isle of Man, should be put off till to-morrow. After some observations from lord Temple and Mr. Curwen, as to the length of time this affair had been pending, the further consideration was fixed for to-morrow.—On the motion of Mr. Whitbread, some additional accounts relative to balances in the hands of the receiver-general of the customs were ordered. Mr. Whitbread also moved, that there be laid before the house an account of the persons in whose names the navy and victualling bills funded in 1795 and 1796 had been written up at the bank; but on the suggestion of Mr. Long and Mr. Rose, he changed his motion into a notice for to-morrow.—Mr. Rose brought up the report of the committee on the Fish Bounty bill. On the motion of Mr. Vansittart, this report was ordered to be taken into further consideration on Monday.—On the motion of Mr. Vansittart, the committee on the Dublin Police bill was put off till to-morrow. It was ordered that the house should to-morrow resolve itself into a committee, to consider of certain grants for secret services in Ireland.—Mr. Sturges Bourne brought up the Loyalty Loan Compensation bill, and the bill for completing the Crinan Canal; which were read a first time, and ordered to be read a second time to-morrow; also the bill for defraying the charges of pay and Clothing of the Militia of Great Britain and Ireland, the bills for Allowances to Subaltern Officers of Militia in Great Britain and Ireland, and the bill for the better collection of the Duty on Paper in Ireland.—On the motion of Mr. Foster, the house went into a committee to consider of the best means for improving the Harbour of Howth, near Dublin. A sum not exceeding 10,000l. Irish, was ordered to be advanced out of the consolidated fund of Ireland for this purpose. The report to be received to-morrow.—The Irish Horse and Dog Duty bill was reported, and ordered to be read a third time on Monday.—On the motion of Mr. Huskisson, the house went into a committee on the Spanish Wine Duty bill. Mr. Brooke wished the additional duty on Spanish wine to be reduced from 12l. to 10l. a ton. Mr. Huskisson could not agree to this proposition, which was resisted by sir C. Price also, as unfavourable to the fair trader. Mr. Brooke's proposition was negatived, and the duty fixed at 12l. per ton. The report was ordered to be received to-morrow.—Mr. I. H. Browne moved that there be laid before the house a copy of the proceedings of the committee for making roads in the Highlands of Scotland; which was agreed to.—The English and Irish Felons Escape bill went through a committee, and was ordered to be reported to-morrow.—A message from the lords announced their concurrence in several private bills; and also requested that the house would permit sir James Stewart, bart. and the right hon. sir John Stewart, bart. to attend the committee of the house of lords on Monday next, for the purpose of being examined on the address proposed to his majesty, relative to the charges exhibited against the hon. Luke Fox, one of the judges of the common pleas in Ireland, respecting his conduct on the circuit in the summer of 1803, if they thought proper. On the motion of Mr. Bankes, the lords' messengers were informed by the speaker, that the house would send an answer by its own messengers.

[PADDINGTON CANAL COAL BILL.] On the motion of Mr. Huskisson, the house resolved itself into a committee on the report of the select committee, for allowing the importation of coal, to a certain extent, by the grand junction canal.

Sir *Ralph Milbank* disapproved of every thing that tended to diminish the working of the northern collieries. A diminution of the shipping and seamen employed in conveying coals must follow. This trade was the best nursery of seamen, and the men engaged in it being accustomed to very dangerous seas and coasts, were particularly fitted for the most arduous services, as the best officers of the navy allowed.

Mr. *Huskisson* stated, that the limited conveyance of 50,000 tons by the Padding-ing canal this year, was intended to enable the house to form a judgment whether the procuring a more certain supply of coals to London, in this way, is likely to be attended with any mischief to the coasting coal trade.

Sir *M. W. Ridley* said, the friends of the coasting coal trade were obliged to accede to the conveyance of this limited quantity, in the fear that the government would impose severer restraints upon them.

Mr. *Burdon* consented to go into the committee, but was sure this measure would prove completely inadequate.

Mr. *Spencer Stanhope* hoped the public discussion would take place in the next session. He did not think there would be a disposition to enlarge the quantity to be imported in this way, at a duty of 10s. 2d. per ton.

Mr. *Huskisson* moved, that 50,000 ton be allowed to be brought by the Paddington canal, paying a duty of 10s. 2d. per ton, being the duty now paid per chaldron on coals brought coastways. He stated, that the reason of charging the duty in this instance by the ton was, that the coals brought in this way were too large to be measured.—The motion was agreed to, and the report ordered to be received to-morrow.—Adjourned.

HOUSE OF LORDS.

Friday, June 7.

[CONTINENTAL CONNEXIONS.] Lord *Carysfort* asked whether any information was intended to be laid before the house, relative to the negociation with Russia.

Lord *Mulgrave* replied, that he was not authorized to make any communication on the subject.

Lord *Carysfort* then gave notice, that on Thursday se'nnight, he should submit a motion to their lordships relative to the Russian treaty; and their lordships were accordingly summoned for that day.

[CONDUCT OF JUDGE FOX.] The order of the day being moved for the house to resume the consideration of the charge against Mr. justice Fox, Lord *Minto* said, he rose in consequence of the notice he had given last night, to submit to their lordships a motion relative to the publication of the proceedings before the committee appointed to examine into the subject matter of the accusation against the learned judge; and when he considered its importance, not only as it regarded that learned person, but the public at large, and the administration of justice, he scarcely could entertain a doubt of success. It was his object to urge the reconsideration of the evidence which had been given before the committee. He wished that the secret or select committee, or by whatever other name it was called, should be revived, with instructions to report the evidence of the witnesses. As many of the witnesses were to be re-examined, it would undoubtedly be of great utility to have that evidence known to their lordships. He confessed he had an ulterior object, which was the communication of the evidence to the parties at the bar. The ground on which he desired to have that evidence published was, that without it the parties would not stand on an equal footing; the accused would not have the same advantage in making his defence as the petitioners would have in preferring their complaint. He had heard it said, that the law of England did not profess to put the accused and the accuser in the same situation. He was aware there must be some disparity with regard to their knowledge of the facts, but it was nevertheless greatly to be regretted when that was the case. It was consonant to the general spirit of the laws to put them on an equal footing. The difference in the present case was, that the accusers could put questions with reference to evidence, of which the accused must be completely ignorant. He contended, that it was the universal practice, that every person under accusation should have an opportunity, by cross-examination, of trying the credit of the testimony preferred against him. Of this advantage the learned judge was deprived. He laboured also under another inconvenience, he was tried by judges who had heard evidence which he had not heard, and had no opportunity of cross-examining. It was necessary that the learned judge's counsel should have the means of observing upon the evidence given before the committee. His proposition, therefore, was, that he should be placed on the same footing, as to the means of his defence, with every other person accused. He was not aware, that any rule or resolution of their lordships stood in the way of such a proposition. It could only be by the publication of every part of the evidence, that the ultimate judgment of their lordships could be satisfactory. There were two modes, either of which might be adopted; the one was, to give the parties access to the papers; the other was, to print them. He preferred the latter, and, consequently, he should conclude by moving, "that the committee be revived, with instructions to report the evidence."

Lord *Hawkesbury* observed, that it was unnecessary to enter into any discussion upon the question. He was inclined to think, that the inconvenience on both sides which would attend the publication of the papers would much exceed any advantage to be derived from them. He was, however, ready to admit, that there was no resolution or standing order of the house contravening their publication, and therefore, as he understood there were many noble lords who thought it would be useful, and as the learned judge had presented a petition to that effect, he should not resist the motion of the noble lord.

Lord *Minto* stated, that if his first motion should be acceded to, it was his intention to move that the evidence be printed.

Earl *Spencer* said a few words in support of the motion, and stated, that it had always been his wish that the evidence should be printed.

The *Lord Chancellor* would not sanction with his vote a proceeding which he conceived to be contrary to the forms of the house. If, however, the motion was agreed to, it was not to be understood, that, in adopting such a proceeding, their lordships threw any discredit on the witnesses. It was to be acceded to, not on that ground, but on account of the peculiar circumstances in which the house was placed. Every respect was due to the character and situation of the learned personage who was the object of the present proceedings; but protection was also due to every one of his majesty's subjects; and he therefore trusted, that no inference to the discredit of the witness would be attempted to be drawn, whatever might be the result of the present motion. His lordship then observed, that the application which had been made by the counsel at the bar was not reconcileable to any general principle, analogy, or usage of the courts of law. It never was pretended, that depositions taken on a previous enquiry could be demanded from a judge on the trial of a person accused. Any publication of such proceedings was illegal, and their lordships would recollect, that the law did not authorize the publishing of evidence while a trial was pending, but permitted it after all the proceedings were concluded. If then the present motion be adopted, let it be understood that it passed with their lordships' acquiescence, but by no means with any authority. He knew, from the petition which had been presented, that it was the desire of Mr. justice Fox the evidence should be made public, and he knew that the well-informed mind and eminent talents of that learned person fully qualified him to judge what was best to be done in his own cause; but their lordships must recollect, that by their decision, they would establish a general rule which might apply to persons whose understandings and talents might render them by no means so capable of forming a proper opinion of the course they ought to adopt under similar circumstances. In consequence of the proceedings which had already taken place, it must be admitted that some of their lordships possessed an *ex parte* knowledge of the evidence. It had been better that this had not been the case, but he could assure their lordships, that the vote he should give on the close of the proceedings, if they ever did come to a conclusion, should be one founded only on the justice of the case, and unmixed by any influence arising out of the previous investigation. This he could promise from a mind disciplined to such discriminations; but he was far from denying, that it was possible impressions might remain with other minds less exercised in decisions. His lordship maintained, that there was no means by which papers printed for the use of their lordships could be regularly furnished to other persons.

Lord *Ellenborough* did not think it necessary for him to declare, that the vote which he should give, on the conclusion of this most solemn proceeding, would be grounded on a strict regard to justice. He trusted, that his general conduct, that the important obligations imposed upon him by his rank, character, and situation, afforded a sufficient pledge, that his mind could be influenced by no other motive. With regard to the question now before the house, he was far from feeling the difficulties which presented themselves to the mind of his noble and learned friend. The ends of "substantial justice" required, that the former evidence should be communicated to both parties, unless some positive regulation of the house prevented it: but so far was this from being the case, that their lordships had already ordered copies of the petition, and charges against Mr. justice Fox, to be delivered to him. Surely, if it was right to furnish him with written papers, there could be no impropriety in giving him such as were printed. If, however, their lordships thought right to confine themselves so strictly to analogy, the minutes of the evidence might be communicated to Mr. justice Fox in writing. But as to the question of furnishing papers, printed for the use of their lordships, to other persons, that he considered to be fully decided by the usage of the house. For several years he had been in the daily habit of receiving printed communications from the house. During the trial of Mr. Hastings, he received every day, a printed copy of the evidence, which was printed for the use of the house only. This communication was absolutely necessary, to enable the counsel to manage that important trial; and it was with the perfect knowledge of the house that they possessed it. He was seen with it at the bar, and it frequently was his duty to comment upon it. There were, therefore, two precedents in point, in the present case, in which their lordships had furnished a person accused with written communications; another, in which printed copies of evidence had been delivered to the accused party. No reasonable apprehension could be entertained of any proceeding of their lordships' house having an influence on the conduct of the courts below; the practice of these courts was guided by rules which long prescription had established. But their lordships must recollect, that they were now placed in a situation so anomalous, that no example, drawn from the practice of courts of law, could be expected to apply to it. It had been the lot of their lordships, in the course of the proceedings on this important case, to sustain very different characters. One character, at the commencement of the proceedings, had been assumed from the most honourable of motives; and if blame was imputable in that stage of the business, he was proud to take his share of it. Their lordships were of opinion, that an accusation against a person, whose rank and character were so truly respectable as that of the learned judge, ought not to be entertained without much delicacy. It was not unnatural to suppose that future accusations might possibly be made by persons whose talents and judgment might have less weight with the house, and who could not claim the attention which was due to the noble marquis. It was, therefore, anxiously wished to protect, by a previous enquiry, persons in the situation of the learned judge, from vexatious proceedings, instituted on frivolous charges. With all the imperfections that belonged to that previous proceeding, it had still the advantage of establishing one useful precedent.—It demonstrated their lordships' determination to prevent any judge from being lightly accused. If this was an error, it was an honourable error, and one which originated in the best of motives. Their lordships were now in the situation of judges of the law, and the fact: In addition to that, they had formerly taken upon themselves the character of grand jurors, and it was naturally to be supposed that the evidence to which they had listened in the latter character, must have made some *ex parte* impression on their minds. To furnish the learned judge with copies of that evidence, was not throwing any discredit on the witnesses, but it was fit their lordships should have an opportunity of comparing the expressions they then used, with those they would now employ upon farther consideration. Such a comparison was necessary, to enable the house to form an opinion of the character, and credit which were due to the evidence of each witness adduced on the part of the prosecution. In a proceeding so entirely new, and anomalous, the means of such a comparison certainly would not be denied, if it could be afforded consistently with the regulations of the house. The present motion went no farther, than to bring the evidence before their lordships. When the proceedings should be on the table, it would be time to determine, whether or not they should be printed; but he was incapable of conceiving how any mischief could arise from their being printed, and furnished to the learned judge. He had already shewn that such a course was authorized by precedent; and he was convinced, that, in adopting it on the present occasion, no form of their lordships' house could possibly be violated.

The *Lord Chancellor* wished to know whether the printed papers his learned friend had received on the trial of Mr. Hastings had been furnished to him with the judicial knowledge of the house? His lordship also observed, that the moment the motion for printing the evidence should be adopted, he should conceive it to be his duty to make a motion to prevent copies from going into the hands of any other persons than their lordships.

Lord *Ellenborough* said, the printed papers he received on Mr. Hastings's trial were furnished with the entire knowledge of the house. To remove all doubt on that subject, he observed, that having occasion to refer to part of the proceedings which was not printed, he was informed, by order of the house, that it would be printed in the Appendix.

The *Lord Chancellor* said, that, for his own direction in the situation in which he was placed, he should put the question to the house, whether papers printed for their lordships could be communicated to other persons?—After a few words from lord Auckland, lord Hawkesbury, and lord Minto, the motion for reviving the committee was agreed to. The committee was then ordered to meet to-morrow, and the house adjourned to Monday.

HOUSE OF COMMONS,

Friday, June 7.

[Minutes.] A message from the lords informed the house that their lordships had agreed to the Irish Stamp Duty bill, and the Irish Excise Licence bill, without any amendments.—On the motion of sir Charles Price, the house went into a committee of the whole house on the report of the petition for the improvement of the port of London; and agreed to a resolution that a further sum of 60,000l. be granted out of the consolidated fund for that purpose. The house being resumed, the report was ordered to be received on Monday.—Mr. Rose brought up a bill for rendering perpetual the several acts relative to the Manufacture of Sailcloth in Great Britain. Read a first time, to be read a second time on Monday.—Mr. Rose also brought in a bill for continuing the act regulating the Exportation and Importation of Corn between Great Britain and Ireland. Read a first time, to be read a second time on Monday.—Serjeant Best brought up a bill for amending the act of the 4th of his majesty relative to Bankrupts entitled to Privileges of parliament. Read a first time, to be read a second time on Thursday.—A person from the office of the chief secretary for Ireland presented a copy of all correspondence between the directors general of inland navigation and the directors of the grand canal in Ireland. Referred to the committee appointed to consider of the state of the grand canal in that country.—Sir John Stewart brought up the report of the committee on the message of the lords relative to the attendance of lord St. Vincent, to be examined before the committee on the papers relative to Sir Home Popham. The report of the answer to their lordships' message, drawn up by the committee, was agreed to, and sir John Stewart appointed to bear the same to their lordships.—The message of the lords of yesterday relative to the attendance of sir J. Stewart, bart. and the right hon. sir John Stewart, bart. on their lordships, to be examined touching the case of Mr. justice Fox, was taken into consideration; when permission was given to these hon. members to attend their lordships, if they think fit; and Mr Vansittart was ordered to signify the same to their lordships.—A petition of several ship owners of North and South Shields and neighbourhood, was presented to the house, by Mr. Burdon, and read; setting forth, "that the greatest quantity of shipping employed in the coal trade from the river Tyne to London belongs to the towns abovementioned; and that the petitioners, from the depressed state of the shipping interest in general, have lately memorialized the lords of the committee of privy council for trade, respecting the too liberal employment given of late to foreigners, to the prejudice of the petitioners and others who have embarked their capitals in shipping; but they are not less alarmed by perceiving an intention to introduce coals into the metropolis by means of inland navigation, a measure fraught with the greatest evils; and therefore praying, that the house will not pass into a law any bill that may be brought in for introducing coals into the capital by means of inland navigation." Ordered that the said petition do lie upon the table.—A petition of the freeholders of the county of Southampton, convened by the sheriff at Winchester, on Thursday, the 16th day of May 1805, was presented to the house, and read; setting forth, "that the votes of the house on the 8th and 10th days of April last, founded upon the tenth report of the commissioners of naval enquiry, deserve the gratitude and confidence of the petitioners, and of the whole country, and the petitioners request the house to proceed, in the spirit of those votes, in their future investigation of the flagrant abuses brought to light by the report of the commissioners of naval enquiry; and that to the commons in parliament the petitioners look up with a confident hope and just expectation, that they will not only not relax in their enquiries into all abuses and culpable irregularities in the management and expenditure of public money, but that they will also take especial care that the very heavy taxes levied upon the people, and hitherto cheerfully contributed by them, shall be wisely and frugally expended." Ordered, that the said petition do lie upon the table.—The report of the committee on the Spanish Wine Duty bill was brought up and agreed to, and the bill ordered to be read a third time on Tuesday.—Mr. Alexander brought up the report of the committee on the improvement of the harbour of Howth, when their resolution that a sum not exceeding 10,000l. Irish currency should be appropriated to that purpose was agreed to; and the report of the committee on the conveyance of coals by the Paddington canal, whose resolution was, that 50,000 tons of coals should be allowed to be brought to London by that canal, was agreed to, and bills ordered accordingly.

[STATE OF PUBLIC AFFAIRS.] Mr. *Grey* observed, that some time had elapsed, since he had put a question to the right hon. the chancellor of the exchequer, relative to a subject that had been alluded to in the speech from the throne. There was reason to expect, that some communication would, before this, have been made to the house, on that subject. He rose in this instance for the purpose of repeating the question he had put on the former occasion, and to ask, whether there was any probability, considering the very advanced period of the session, that any such communication would be made to parliament previous to the close of it?

The *Chancellor of the Exchequer* said, he had nothing to add to what he had stated on the former occasion. It was not in his power to return any other answer to the hon. gent.'s question.

Mr. *Grey* said, he had delayed as long as possible any motion on the subject. He now felt it his duty not to suffer the house to separate without having an opportunity afforded them of considering this very important matter. He proposed, therefore, to bring forward a motion on the subject on Wednesday se'nnight, unless circumstances should in the mean time occur to render that motion unnecessary.

[Conduct of Admiral Sir John Duckworth.] This being the day fixed by colonel Wood for his motion for the production of the proceedings of the court martial, relative to sir John Duckworth, he rose in his place and stated to the house, that he was willing to defer his motion for some days longer, that every gentleman might have sufficient opportunity of informing himself on the subject. This delay had been suggested by some hon. gentlemen, and should it meet the approbation of the house, he would renew his notice for that day se'nnight.

Mr. *Baker* did not wish to oppose the delay proposed by the hon. gent. but could not help remarking that this was the second time he had deferred his motion without adducing any satisfactory ground for that delay. He complained at the same time that the hon. member had handed about papers on this subject, one of which he had got put into his hand on entering the house, and which was calculated to make an impression on the public mind, to the prejudice of the hon. baronet who was the subject of the intended motion.

Colonel *Wood* then stated, that though he wished to give members time to consider the subject, he had no objection to bring it forward then, should it appear to be the desire of the house. The paper of which the hon. member complained (captain Wood's memorial to the lords of the admiralty) he stated to be a public document, and therefore a proper subject of attention for the house.

Admiral *Markham* saw no reason why the question should not then be determined, as it merely related to the propriety of producing the proceedings, and not to the merits of the court martial. For his own part he acknowledged himself hostile to the production of these papers. On colonel Wood's rising to explain,

The *Speaker* observed, that there was no question before the house, and it remained for the hon. gent. to determine whether he would defer his motion, or now bring it forward pursuant to notice.

Colonel *Mark Wood*, seeing the house disposed to proceed, said he should no longer delay his intended motion. The hon. colonel spoke as follows:—sir, the proceedings of the late naval court martial held upon vice-admiral sir John Duckworth having been printed and published by the admiral himself, it cannot be the wish either of the admiral nor that of his friends to suppress or keep from public discussion a subject to which they have themselves given such publicity, and therefore I trust there will not be any difference in opinion to prevent those proceedings, and other papers relating to this business, from being laid upon the table of this house. With permission of the house, I will beg leave to read captain Wood's memorial to the lords commissioners of the admiralty, together with the legal opinions given upon a case, for the purpose of ascertaining how far the court martial decided according to their oaths, and according to the 18th article of war.

"*The Memorial of Captain James Athol Wood,*

"Humbly sheweth, that the sentence of the court martial lately held upon vice-admiral sir J. Duckworth having not only most honourably acquitted the vice-admiral of the several charges preferred against him, but having also declared in general and unqualified terms those charges to have been gross, unfounded, malicious, and scandalous, your memorialist would consider himself unworthy of the commission which he has the honour to bear in his majesty's service, as well as wanting in that respect which he owes to the lords commissioners of the admiralty, were he not, with the greatest deference and respect, to state to their lordships, that so far from the charges which he preferred against vice-admiral Duckworth having been either gross, unfounded, malicious, or scandalous, your memorialist trusts he shall be able to satisfy your lordships, that such charges have been as fully substantiated as it was possible for them to be, under all those unfavourable circumstances under which your memorialist was placed. —With respect to the first charge, for oppression in superseding your memorialist in the command of the Acasta, under the pretext of appointing him to the Hercule, a ship of greater consequence, your memorialist begs leave to submit the following observations for your lordships' consideration: after having been constantly and actively employed under admiral Cornwallis, off Brest, from the commencement of the war, towards the end of last November your lordships were pleased to direct him to proceed to the West Indies with a large and valuable fleet; and on the 2d of February your memorialist arrived with this fleet at Port Royal in Jamaica.—The second day after the arrival of your memorialist at that station, vice-admiral Duckworth gave him notice of his determination to remove your memorialist from the command of his own frigate the Acasta into the Hercule, 74-gun ship, at that time at sea; alledging for so unusual and so cruel an exertion of power, not only the good of his majesty's service, but his intention of promoting your memorialist to the command of a ship of superior class. It appears, not only from the evidence of captain Dunn, admiral Duckworth's captain, by whom your lordships' appointment was superseded, but also by the evidence of the admiral's secretary, that admiral Dacres, long before the Acasta arrived, had declared his intention of hoisting his flag on board of the Hercule, and to carry with him his captain and officers. This fact admiral Duckworth never has denied; and accordingly admiral Dacres did hoist his flag on board of the Hercule before your memorialist sailed from Jamaica.—It is therefore evident, that the reason which the vice-admiral assigned in his public letter for superseding your memorialist, namely, the good of the service, and giving him the command of a ship of greater consequence, was false and groundless, and calculated merely to give a colour of justice to an act of the greatest stretch of power, cruelty, and oppression.—If the ostensible pretext, that the good of the service required the vice-admiral's return to England on board of the Acasta, your memorialist was surely fully competent to have commanded to England that ship which the lords of the admiralty had so long been pleased to entrust to his charge.—Thus, after serving in his majesty's navy upwards of thirty years, without any alledged offence, but on the contrary the strongest testimonies of zealous services, your memorialist has been most oppressively and most unjustly deprived of the command of his majesty's ship Acasta; and, in aggravation to his grievances, compelled to beg and to intreat a passage to Europe on board of his own ship, in a situation very inadequate to his rank; whereas two passengers, totally unconnected with his majesty's service, occupied his former cabin; all of which tending to degrade and to lessen your memorialist in the eyes of a ship's company, so long devoted and attached to your memorialist.—The second charge against the admiral was, for having, in violation of the 18th article of war, loaded on board of the Acasta various goods and merchandizes, otherwise than for the sole use of his majesty's ship. In support of this second charge, your memorialist has proved by the admission of the admiral himself, that he had loaded on board of the Acasta eleven logs and two slabs of mahogany, measuring at least 16 tons; about 150 lb. weight of Spanish snuff, of the value of upwards of 200 guineas; from 30 to 40 casks of shaddocks and fruits, upwards of 20 pipes and puncheons of wine, rum, &c. &c. exclusive of liquors and various articles of household furniture, allowed to be 40 tons and upwards, but which, in the belief of your memorialist, exceeded 100. By the evidence of captain Dunn, the Acasta appeared to him to have been so loaded and lumbered as to have resembled a West Indiaman, and that in direct violation to the printed instruction, the spirit-room prepared for preserving in safety his majesty's spirits, had been cleared out, and the ship's spirits removed into the hold, a very dangerous and insecure place, to make room for the vice-admiral's wines and spirits. It has also been proved, that many of the seamen had been removed from their mess places and births, to stow betwixt decks logs of mahogany and articles of household furniture made up in the island of Jamaica, where, by the evidence of the joiner of the Hercule, he had been employed at the admiral's pen three years.—By the 18th article of war, it is expressly declared, that if any officer of any of his majesty's ships of war, shall receive on board, or permit to be received on board such ship or vessel, any goods or merchandizes whatsoever, excepting for the sole use of the ship or vessel, and being convicted thereof, shall be cashiered, and for ever afterwards rendered incapable to serve in the naval service of his majesty. Exclusive thereof, it is further enacted, that any officer so offending, or owner of such goods, shall be liable to forfeit the full value of such goods, to be recovered in a court of law. It is, however, evident from the sentence of this court martial, that nothing loaded on board of the Acasta, were deemed by those who have so decided, goods or merchandizes, either, because they had not been loaded on board by merchants, or proof adduced of the vice-admiral's intention to sell or to dispose of such goods. If under the head of "goods or merchandize," the legislature only meant goods of which undoubted proof could be adduced of the officer's intention to sell, and the evidence of such intention is to be the confession of the party accused, or the evidence of those connected with him; your memorialist begs leave most respectfully to submit to your lordships, that a door would in such a case be opened, and a most dangerous and extensive latitude given, to the greatest possible abuses. Under the name of "presents," his majesty's ships of war might be converted to the private emolument of individuals, to the utter ruin and destruction of the naval service of his majesty.—From this consideration, as well as for the purpose of satisfying himself and friends, that the sentence of the late court martial had been most unjust, founded upon most erroneous opinions, and had grossly injured and insulted the character and feelings of an officer, over whose conduct they had no cognizance; your memorialist was induced to state a case for the opinion of the first lawyers in this country, a copy of which he begs leave to submit for their lordships' information.—This case your memorialist begs leave to observe, has been drawn in the most favourable terms for the vice-admiral; admitting that every article loaded by him on board of the Acasta, could be proved to have been intended for presents, and not for sale. Notwithstanding of which, the most eminent lawyers in England have given it as their opinion, that if the court martial had decided according to the 18th article of war, the vice-admiral must inevitably have been cashiered, and for ever rendered incapable of serving his majesty. —That the admiral's conduct, in superseding your memorialist in the command of the Acasta, was unjust, cruel, and oppressive, and that the lords commissioners of the admiralty had not deemed the charge unfounded, your memorialist is warranted in appealing to your lordships, having been pleased immediately on hearing of so unprecedented a stretch of power, to re-appoint your memorialist to the command of the Acasta; a circumstance of which he was unacquainted at the time when he requested a court martial to be held upon the vice-admiral.—That the sentence of the court martial, in acquitting the vice-admiral of the second charge, viz. loading on board of the Acasta, goods and merchandize not intended for the sole use of the ship, is highly illegal and unjust, and is in direct violation of two acts of parliament made for the express purpose of restraining naval officers from such unofficer-like practices, he is warranted in asserting, upon the first legal opinions of England herewith inclosed.—Under all these circumstances, and a due consideration of the harsh, cruel, and unmerited treatment which your memorialist has received, he trusts your lordships will be pleased to direct that the proceedings and sentence of this court martial, together with this memorial, be submitted for the opinion of his majesty's law officers, or if judged necessary, for that of his majesty's judges, in order that your memorialist may have an opportunity of vindicating his character, and of obtaining that justice to which he may appear entitled: and your memorialist shall ever pray. James Athol Wood, captain r. navy." Pall-Mall, May 25, 1805.—xviiith article of war. "If any captain, commander, or other officer of any of his majesty's ships or vessels, shall receive on board, or permit to be received on board such ship or vessel, any goods or merchandizes whatsoever, other than for the sole use of the ship or vessel; except gold, silver, or jewels, and except the goods or merchandizes belonging to any merchant, or other ship or vessel which may be shipwrecked, or in imminent danger of being shipwrecked, either on the high seas, or in any port, creek, or harbour, in order to the preserving them for their proper owners; and except such goods or merchandizes as he shall at any time be ordered to take or receive on board by order of the lord high admiral of great Britain, or the commissioners for executing the office of lord high admiral for the time being; every person so offending, being convicted thereof by the sentence of a court martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the naval service of his majesty, his heirs and successors. And whereas, by the said act, intituled, "an act for the more effectual suppressing of piracy," it is amongst other things enacted in the following words, that the said captain, commander, or other officer of the said ship or vessel of war, and all and every the owners and proprietors of such goods and merchandizes put on board such ship or vessel of war as aforesaid, shall lose, forfeit, and pay the value of all and every such goods and merchandizes so put on board as aforesaid; one moiety of such full value to such person or persons as shall make the first discovery and give information of or concerning the said offence; the other moiety of such full value to and for the use of Greenwich hospital; all which forfeitures shall and may be sued for and recovered in the high court of admiralty: now for making the said in part recited act more useful and effectual, be it enacted by the authority aforesaid, that from and after the twenty-fifth day of December, one thousand seven hundred and forty-nine, if any captain, commander, or other officer of any of his majesty's ships or vessels shall receive on board, or permit or suffer to be received on board such ship or vessel, any goods or merchandizes contrary to the true intent and meaning of the eighteenth article in this act before mentioned and hereby enacted, every such captain, commander, or other officer shall, for every such offence, over and above any punishment inflicted by this act, forfeit and pay the value of all and every such goods and merchandizes so received or permitted, or suffered to be received on board as aforesaid, or the sum of five hundred pounds of lawful money of great Britain, at the election of the informer or persons who shall sue for the same, so that no more than one of these penalties or forfeitures shall be sued for and recovered by virtue of this and the said in part recited act, or either of them, against the same person, for one and the same offence; one moiety of which penalties or forfeitures shall be forfeited and paid to the person who shall inform or sue for the same, and the other moiety thereof to and for the use of the royal hospital at Greenwich; which forfeiture shall be sued for and recovered by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, or in the high court of admiralty, at the election of the informer or person who shall sue for the same; and the court shall award such costs to the parties as shall be just; and in all cases where judgment or sentence shall be given against any such offender, the court where such judgment or sentence shall be given, shall, with all convenient speed, certify the same to the lord high admiral, or to the commissioners for executing the said office."

Case.—" An officer of the navy, commanding a king's ship, not fully aware of this article of war, has inadvertently brought home with him (as a present for various friends, and not intending them for sale) on board the said ship, about sixteen tons of mahogany, and some large pieces of mahogany furniture, from one hundred and twenty to one hundred and fifty pounds weight of Spanish snuff, a couple of hundred weight of arrow root, some puncheons of rum and pipes of wine, and from thirty to forty casks of shaddocks; and has been threatened with a court martial for bringing on board such articles, as coming under the head of " goods and merchandize not being intended for the sole use of the ship or vessel."—Your opinion is required, how far any officer bringing on board such articles, can in any respect subject him to the penalty of the above clause of the 22d George II. being the 18th article of war; as the officer will be able to prove they were intended for presents to his friends, and not to be sold."

Mr. *Garrow.*—" I am of opinion that the facts here stated would inevitably subject the officer to whom they apply, to a conviction under the article of war before stated; and it seems to me, that the value and quantity of the articles received on board, would but too probably render it impossible that the members of a court martial charged to enquire into the circumstances, should ascribe it to mistake or inadvertency, or any other excusable cause. W. Garrow." Lincoln's-Inn, 3d May, 1805.

Mr. *Dallas.*—" The above case, it appears to me, falls directly within the words of the article in question, and these words are so strongly restrictive, viz. for the sole use of the ship, that I do not see how they can admit of any equitable enlargement, so as to exempt from their operation articles intended for presents, and not for sale. The object of the provision may have been to prevent a trading by the king's officers, but it may also have had other objects with respect to the state and navigation of the ship; but at all events, whatever may have been the aim, the words are positive and peremptory, and nothing appears upon the face of the act to give them any particular qualification. I take, however, for granted, that a court martial would give to every such case a most liberal consideration, and would not construe a few articles intended for the use of friends, and as presents merely, into a breach of the provision of the law; they would probably be considered as part of the captain's stores, or upon some ground or other, would not be treated as amounting to a breach of the law; but this would depend upon degree; and in the present instance the articles are of such a nature, and such in point of amount, that it does appear to me to be of a very unfavourable nature, taking it even for granted, that it can be proved, that which is stated, namely, that they were intended for presents merely, and not to be sold; but at any rate, should a court martial be held, this should be pressed as strong as possible, even though it should not operate as an absolute defence. R. DALLAS." Lincoln's-Inn Fields, May 3d, 1805.

Solicitor-General.—" I cannot say that strictly this case does not fall within the 22d of George II. chap. 33d, art. 18. The prohibition is general, without any exception of presents; and even if it be usual to overlook the case of presents, it is possible that the quantity of goods may have raised some doubt whether they were so meant, and may have occasioned a stricter scrutiny than usual upon this occasion. V. GIBBS." Lincoln's-Inn, May 1st, 1805.

Hon. *S. Perceval.* —" I am of opinion that the case mentioned above, certainly comes within the words of the clause, and if it be made the subject of charge before a court martial, will not, as I apprehend, be thought by such court to be justified by reason of the articles being intended as presents. SP. PERCEVAL." May 3d, 1805, Lincoln's-Inn Fields.

The Hon. *Thomas Erskine.*—" I am very sorry to be obliged to say, that the purpose, the honourable purpose for which the unfortunate officer appears to have taken on board a king's ship the goods in question, would be no defence, if he were prosecuted; neither could the sentence be mitigated, nor could the king pardon the offence under such circumstances; therefore, it would be a harsh thing to prosecute upon the statute, the language of which is peremptory. T. ERSKINE." May 30th, 1805. —After reading the above,

Colonel *Wood* proceeded as follows:—Whatever my feelings may be for the character of a brother that has been most grossly traduced and calumniated by the sentence of this naval court martial; much as every man must feel for captain Wood on account of the unprecedented, harsh, and cruel treatment which he has suffered, in being deprived of the command of one of the first frigates in the service, to answer the interested and private views of vice-admiral Duckworth; yet probably there might be a difference of opinion, whether full and ample redress might not be obtained for this officer, without legislative interference.—Had this therefore been the only object for my wishing those papers to be laid upon the table, I might probably have paused a little longer before I had troubled the house upon that subject; but when, sir, this act of unparalleled violence and injustice to a meritorious naval officer whilst employed in the service of his country, is immediately connected with the violation of an act of parliament, the foundation and key-stone of our naval discipline and glory; when the violation of this law is sanctioned by the late naval court martial, and a door thereby thrown open to the greatest abuses in the naval service of this country; I am sure, sir, there is not any member of this house, however much connected with the vice-admiral, whose conduct is so deeply implicated in those abuses, who must not feel the necessity of attending to a subject of so great national importance.—Captain Wood, the officer whom sir J. Duckworth deprived of his ship for the purpose of conferring the command upon his own captain, has served in the royal navy upwards of thirty years, and is a post-captain of eight or nine years standing.—About three years ago lord St. Vincent appointed him to the command of the Acasta frigate of 44 guns, one of the finest frigates in the navy; and from the recommencement of the war until last November he was employed under admiral Cornwallis in the blockade off Brest, and other French ports.—Were it necessary to have references to captain Wood's character in the navy, lord St. Vincent, admirals Cornwallis and Harvey, and many other distinguished officers will bear ample testimony to his merits. Towards the end of last November, the lords commissioners of the admiralty ordered captain Wood to Jamaica with a valuable convoy of ships, where he arrived the beginning of February. He was the unfortunate bearer of vice-admiral Duckworth's recal, and of admiral Dacres' appointment to succeed him in that command.—Admiral Duckworth determined upon returning home in the Acasta, which, as senior officer, he had an undoubted right to do, although, had the good of his majesty's service been consulted, he would not have kept that frigate under the walls of Port Royal idle one month until the yellow fever commenced its havock; there were many other frigates that required coming home to England, in which the vice-admiral might have been accommodated. Had admiral Duckworth returned in the Acasta under the command of that captain to whom the lords of the admiralty had thought proper to intrust the command of her, not only the common usage of the service, but that attention which every officer is bound to pay to the common calls of justice and of humanity would have been preserved, but this would not have suited nor have answered the admiral's purposes.—The Acasta was a large roomy frigate, and the admiral had a number of things to bring home, which he durst not ask any captain, a stranger, to permit to be loaded on board, and which no one but a confidential friend would have suffered to pass unnoticed. There was also a large freight of treasure to be brought home from Jamaica, 7-eighths of the commission on which captain Wood was entitled to; the other eighth to the admiral. Admiral Duckworth therefore not only determined to return to England in the Acasta, but to deprive captain Wood of the command of her, for the purpose of conferring it upon captain Dunn, the admiral's captain and confidential friend; and for this purpose the vice-admiral appoints capt. Wood to the Hercule, a 74-gun ship, at that time at sea, and assigns as his reason, the giving him a ship of greater consequence. This reason captain Wood knew to be false and groundless, and, as I shall shew hereafter, the vice-admiral himself acknowledged to be so. Independent of this confession of the vice-admiral, admiral Dacres (his successor in the command) had informed captain Wood officially that he had determined to hoist his flag on board of the Hercule the instant she returned to port, which he accordingly did, and which the vice-admiral knew he would do, before the Acasta arrived at Jamaica.—In this manner, sir, was capt. Wood dispossessed of the command of his ship, the distress and mortification resulting therefrom had nearly deprived him of his reason, and labouring under this affliction without a friend on whom he could confide, or with whom he could advise, for the vice-admiral had shifted all the officers, 170 of the ship's company, as well as the captain of the Acasta, is it to be wondered at, that the vice-admiral should have had the advantage of him at his trial, whose honest sensibility had to contend with power and systematic arrangements, supported by prejudice and partiality, nay even perjury?—Exclusive of losing his ship, admiral Duckworth deprived him of at least 2000l. commission, to which he was entitled as commander of the Acasta, as much as to his pay, either given to captain Dunn, or arranged in whatever other manner the admiral chose to dispose of it.—To reconcile to the common feelings of mankind, much more to justify so strong a measure, common prudence required that the motives of the vice-admiral himself should have been perfectly pure and disinterested, but it can be proved, that so far from having been actuated by any disinterested and honourable motive, that at this very time he must have had in contemplation the violation of an act of parliament for which the removal of captain Wood from the ship was absolutely necessary.—In the first place, let me call the attention of the house to the defence which the vice-admiral offers for superseding an officer commanding one of his majesty's ships under a commission from the lords commissioners of the admiralty, to give her to a protégé of his own; viz. "that he could not commit the honour of his flag, and his own character to the chapter of accidents, nor cross the Atlantic in a ship commanded by a stranger." Good God, sir, could there be a more gross or more scandalous libel against the whole of the captains of the British navy? Excepting captain Dunn, this admiral durst not trust himself in a ship during a few weeks' passage with any British captain with whom he had not a personal acquaintance, and, strange to relate, there could be found a majority of three admirals and nine captains of the British navy, deliberately, in the character of judges, to recognize and approve of this act of violence, by which they acknowledge, that a commission from the admiralty is no protection to them against the whim, or caprice, or revenge, of a commander in chief on a foreign station, who may shift them from the finest frigate in the service into any old hulk bearing a pendant, so that she happens to be of a superior class in the navy list, even when recalled from command, and not going upon service: what have not those gentlemen to answer for to their brother officers?—Let me now submit to the house how totally at variance are the actions and professions of the vice-admiral. By the 18th article of war, "every naval officer, who either loads on board, or permits to be laden on board of any ship of war, goods or merchandize, excepting for the sole use of the ship, is not only to be cashiered, but to be rendered for ever incapable of serving his majesty. Admiral Duckworth had loaded on board of the Acasta, by his own admission, 11 logs and 2 slabs of mahogany, large wardrobes made at Jamaica by the carpenters of the ship who were eating the king's provisions, and receiving the king's pay, and employed by the vice-admiral for the purpose of making the furniture to be used in his house in England. Any noble-minded man, sir, would have said to his successor, "these are articles which I found necessary to the convenience and comfort of my command, they have been made at little expence to me, pray consider them as belonging to the house assigned for the commander in chief, and as I now transfer them to you, do you take care that they are transferred to your successor." This, sir, might have justified the making them at the king's expence; but to manufacture them at Jamaica, and send them to England in packages, (for it is not pretended that they were put on board for the admiral's use on the passage home,) they can be considered only as articles of trade. I should be glad to know how the captain of the ship, who mustered Redhouse, the admiral's joiner, (as he is called in the minutes of the court martial,) for the three years he was working on shore, would answer to a charge of false muster, were it to be brought against him and the admiral. With regard to the mahogany, of which there were eleven logs from two to three feet thick, and from 10 to 14 feet long each, also two slabs (stock for a first-rate cabinet-maker in London), I will venture to pronounce, that there is not a member of this house who will say, that those articles could be considered as any thing but "goods and merchandize," within both the spirit and the letter of the act of parliament. There were also shipped on board the Acasta about 20 casks of wine and rum, and from 30 to 40 casks of fruit, besides various other articles not worthy of notice; none of which have been alledged as for the ship's use. To make room for those, he was obliged, if not actually to turn seamen out of their usual sleeping places, at least to make it very inconvenient to them, and to deprive them of those comforts to which our gallant tars were so well entitled. Capt. Dunn has acknowledged that he ordered the spirit room to be cleared out and the spirits belonging to his majesty to be stowed in the hold, for the purpose of stowing the admiral's wines and spirits in the public spirit-room, in direct violation of the naval printed instructions, which state particularly the manner in which the spirit-room is to be fitted up, and the wine and spirits are to be taken care of by the purser, who (say the instructions) is never to expect any allowance for leakage of wine or spirits, but to see that the casks be sound and full at their coming on board, and to be answerable for the care of them afterwards, there being proper conveniences made in the hold for securing them from abuses, which are not to be employed to any other use whatsoever.—Had captain Wood commanded the Acasta, not a log of mahogany nor any of those various articles enumerated, and acknowledged to have been loaded on board, could have been introduced on board his majesty's ship, without subjecting himself to the penalties of the 18th article of war. Captain Dunn, by his friendly complaisance to his admiral's wishes, is now placed in that unfortunate situation, liable to be tried by a court martial, and dismissed the service.—Notwithstanding admiral Duckworth's oppressive and unjust conduct was most clearly proved before the court martial, and indeed admitted by the lords of the admiralty themselves, by their having immediately re-appointed capt. Wood to the command of the Acasta; notwithstanding it was clearly proved by captain Dunn, that the spirit-room, in direct violation of the naval instructions, (pages 120 and 203,) was cleared out to make way for the admiral's liquors; notwithstanding it was admitted by the admiral himself, that he had on board 11 logs and 2 slabs of mahogany, several wardrobes, 200 guineas worth of Spanish snuff, 20 casks of wine and spirits, and 30 or 40 casks of fruit, with various other articles. A naval court martial has not merely acquitted him, but most fully and most honourably acquitted him, of every part of the charge; nay, not satisfied with his acquittal, they have declared the charges gross, unfounded, malicious, and scandalous. So illegal and so unjust a sentence, I will venture to assert, upon the very first legal opinions of this country, never was pronounced by any court martial.—Thus, sir, has not only an act of parliament, formed for the express purpose of restricting naval officers from converting his majesty's ships of war to the private emolument of individuals, been not merely set at defiance, but by the sanction of a court martial the door has been thrown open to abuses, which if not speedily remedied, must end in the ruin of the discipline and good government of the naval service of this country.—When even the laws of the country may not have provided any direct and easy road for the protection of individuals from gross and premeditated violence and injustice, but more particularly when those acts of injustice and oppression have been committed against a servant of the public, employed on the public service. I humbly conceive, sir, it is the bounden duty of this house, not merely to enquire, but to sift such matters to the bottom, that they may support, without affection or favour, that high character to which I trust the country will ever look up with confidence.—In the present instance, sir, it is not merely acts of gross violence and injustice that is complained of, but the most daring breach of an act of parliament of the very first importance to this country. Under such circumstances, sir, precedent would be unnecessary, but there must be upon record many precedents, not merely respecting the interference of this house, but of courts of law to correct and controul the unjust and illegal proceedings of courts martial. One immediately occurs, and is mentioned by that very able and respectable gentleman, Mr. Mac Arthur, to whom the public is so much indebted for his excellent treatise upon naval courts martial.—Capt. Norris was brought to a court martial at his own desire, for misbehaviour off Toulon in the business of Mathews and Lestock; the prosecutor lieutenant Jekyll of the same ship.—Lieutenant Jekyll, Palliser, and others addressed the admiralty, complaining of the proceedings of this court martial; the same as captain Wood has done in the present instance. The proceedings were laid before the house of commons, and they were declared to have been partial, arbitrary, and illegal. Admiral Rowley was the president of 25 captains, members of this court martial. Another instance happened the year before of the interference of the court of common pleas.—Lieut. Frye of the marines was brought to a court martial, by the captain of the Oxford man of war, for his disobedience of orders. Sir Chaloner Ogle was president of this court martial. He was sentenced to imprisonment, and to be dismissed the service. He recovered of sir Chaloner Ogle 1000 guineas damages; and lord chief justice Wills told him, he would support an action against every other member of the court martial. He next proceeded against two other members: admiral Mayne and captain Renton, at that time members of a court-martial, assembled at Deptford to try admiral Lestock. The court martial addressed the admiralty and his majesty, violently complaining of judge Wills's interference. The judge issued his capias against every member who signed the address, and they were only pardoned upon the most submissive apology.—I shall therefore move, "that there be laid upon the table of this house the proceedings of a late naval court martial held upon vice-admiral Duckworth; the memorial of captain Wood to the lords commissioners of the admiralty, dated the 25th instant; accompanying a case, and opinions of the attorney and solicitor general, Messrs. Erskine, Dallas, and Garrow, respecting the 18th article of war; also a return from the customs and excise of all articles loaded on board the Acasta that had been entered and paid duty."

Mr. *W. Dickinson*, jun. said, he had listened to the hon. gent. in the expectation of learning some sufficient grounds to induce the house to order these papers before them. He however was perfectly disappointed in such expectation. He saw no advantage likely to arise to the public from the house interfering with the sentence of a court martial, the proceedings of which were already sufficiently known to convince the public, that no reflection could possibly with justice be cast upon him. He justified the censure of the court martial on captain Wood. It was according to precedent. In the case of sir Hugh Palliser, who brought admiral Keppel to trial, the court martial that acquitted Keppel declared the charge vexatious, in consequence of which sir Hugh lost his seat at the admiralty board, his colonelcy of marines, the government of Scarborough Castle, and was induced to resign his seat in parliament. The motion of the hon. colonel would be of no advantage to the public or individuals, and therefore he should give it his opposition.

Captain *Bennet* spoke in favour of admiral Duckworth.

Sir *William Elford* testified, of his own knowledge, the excellence of the character of the gallant admiral.

Mr. *Baker* said he should feel disgraced if he were to remain silent. He had no other interest in this motion, but that which he took in behalf of a very revered friend, who had been honourably employed, for forty years, in the naval service of his country; not less than thirty of which were passed on ship-board. Though his long and meritorious services had been honoured and rewarded by his majesty, it was impossible that he could have been in so many situations, without being subject to some slight charges of this nature. He said, he could not consider the present proceeding as a very fair one, for, no sooner was the verdict of the court martial known, than captain Wood had served the admiral with notice of a civil action, pending which, this criminal proceeding was attempted.

Lord *Glenbervie* spoke in favour of the admiral. Many officers of the navy whom he knew gave him the highest character. Their testimony was of the most unqualified nature. Besides, the production of the papers moved for would be a dangerous precedent.

Admiral *Markham* stated what he knew of the gallant admiral. He had served under his command; he had known him 30 years; he went out with him to the West Indies in 1789. In 1797 and 1798, he was under him on the coast of Ireland; he went to the Mediterranean in 1798; in the end of 1798, he went, subject to his orders, to Minorca, second in command. Knowing so much of the gallant admiral, he felt it to be incumbent upon him to give his opinion on this occasion to the house, and he could honestly declare, that during the whole period, he never knew him to do any thing that was oppressive to the officers under his command. With respect to the law opinion, he would just say, that probably, not an officer in the navy but might be superseded on such an opinion; for, hardly one of them was free from the sin of transgression as to the 18th article of war. [A laugh.] Most captains brought home a pipe, or even more, of wine for himself and friends, when on a wine station; and he himself had, when at the admiralty, requested some of his naval friends to bring him some wine. An hon. gent. over against him (sir Philip Stevens) must remember the practice before he was born. [Laugh].

Colonel *Wood* said, that as it appeared to be the wish of the house that this matter should not be brought forward at present, he should withdraw it, with the intention of taking another opportunity next session to bring it under their consideration.

Captain *Hervey* said, that as the hon. colonel had thought proper to bring forward such aspersions against the character of such a highly respectable and gallant officer as sir John Duckworth was, notwithstanding the decision of the court martial, he thought it was highly proper that the question should be put, so as to have the sense of the house upon the subject.—On this, the question that the motion be withdrawn, was put from the chair, and loudly negatived without a division.

[DUKE OF ATHOLL'S CLAIM.] Colonel *Stanley* moved the order of the day for the consideration of the report of the committee on the claim of the Duke of Atholl. The order of the day being read,

Mr. *Curwen* rose, and spoke as follows:—I rise, sir, to state my objections to the report made by this committee. It is, I conceive, impossible they could have come to these conclusions had they adverted to the whole of the evidence laid before them, and since submitted to the house: part of that evidence, highly material in itself, has passed unnoticed: other parts will be found in direct contradiction with their report.—The individual conduct of a member of this house, on any subject in which the public interest is concerned, needs no apology: but if I wanted one for the part I think it my indispensable duty to take on this occasion, I should feel myself entitled to the indulgence of this house when defending the interest of the house of Keys of the Isle of Man, acting under an unanimous vote; the interest of 1300 respectable land-owners of that island, whose petition lies on your table, and of 30,000 unrepresented persons, its inhabitants, whose interests must materially suffer were the measure his grace of Atholl seeks to carry, unfortunately for them, to receive the sanction of parliament.—It is obvious how sincere must be the wish, how greatly it would be the interest, of the inhabitants, to stand on fair terms with the noble petitioner: to oppose his wishes must be matter of sincere regret to them, and nothing but the strictest sense of duty could induce the house of Keys, or the people, to give opposition to those wishes.—No interest of a private nature have they, sir, or have I, in opposing the present claim—and I trust we shall hear no more of rumours which have circulated, that the opposition to this measure arises in prejudice, or in motives of a personal nature.—To put the house fully in possession of the present case, it is necessary to call their attention to certain previous transactions now known but to few. Of these transactions, but for particular connexions, and the circumstances that have led my attention to the subject, I should, like others, have remained ignorant.—In 1774, the present noble claimant entered on the possession of the island.—In 1780, a petition appears to have been presented by him to this house, complaining of injury sustained in consequence of the act by which this island was vested in his majesty.—It seems to have been the design of the noble petitioner to get back certain objects, unnecessarily, as he maintained, and unintentionally, taken from his family. Of these the value did not, I believe, amount to 300l. a year. But this petition had further objects; as to the creation of courts independent of the sovereign (the judges of which his grace sought to have the nomination of himself), and many other feudal and manerial regulations. On this petition a bill was founded. Considerable alarm was excited in the island. By the direction of the treasury, references took place to the attorney and solicitor general of the day; earl Rosslyn, then Mr. Wedderburne, and Mr. Wallace, names high in estimation; and also to the insular attorney-general, sir Wadsworth Busk (a man to whose honour, integrity, and ability, all who know him can with me bear witness), and to the other crown officers of the island. Their several reports were highly unfavourable to his grace's then objects, and the bill was laid to rest.—In the following year it re-appeared: again it was referred to the succeeding attorney and solicitor-general, Mr. Wallace, and the now chief justice Mansfield: and again the report was unfavourable.—The same bill, however, little to the credit of this house, was suffered to pass to the lords. There the house of Keys opposed it, and on the second reading it was withdrawn. Its fate, sir, I now regret: had it been stripped of its obnoxious clauses as to game, manerial courts, &c. the objects his grace sought of a pecuniary nature might perhaps have met with little opposition: the bill might have passed into a law, and we, probably, have been saved the mortification of witnessing and the island of contending against still more extraordinary measures which have followed it; the last of which we are now considering.—In 1783 a petition, pointing in nearly the same terms at the same objects, again appears on your journals: but I do not observe that any further steps were taken upon it.—Now, in these three several applications made to this house, what distinctly appears to have been the object sought by his grace? To explain and amend that very act, of the operation and effects of which he is still complaining: to raise objections to and seek relief against injurious consequences resulting, as he asserts, from that measure.—And what says his grace of inadequacy of compensation? of the incompetence of parliament to legislate for his island? of force or threats used to compel the proprietors to part with it? Was the inalienability of this property then urged as a foundation for any claim, or for the revision of the transaction? On these topics not one word is said.—Recollect, sir, his grace had been six years in peaceable possession of this fair domain; that he had attained the age of from five to eight and twenty; that he had, apparently, most diligently looked into his titles, and obtained the most accurate information and advice. Can it then be endured that he shall at this day contend he is dissatisfied with the price, or the mode on which his family parted with the property? The objects he now seeks might then more reasonably have been urged, and would have been urged, had his grace conceived any such claims to have existed. I do not accuse the noble duke of putting forward this bill of 1780, as a prelude to others; that he meant to employ it as a step-ladder to his other claims. I do not impute to him such disingenuousness. No, sir, I affirm that his grace must have been, as he now ought to be, well content with a compact so beneficial to his family and himself, however he might complain of incidental stipulations in it.—But I am not left to inference and conjecture as to his grace's then sentiments on the bargain made in 1765. I have the best authority on that subject to produce, namely that of his grace himself. If I am to blame for he opinion I form, the noble duke has been the person to mislead me. Here is his bill. He states, "that the sovereignty, ports, and commerce were no otherwise required to be revested in the crown than as they interfered with revenue; and, considering the liberality with which the said treaty was conducted, it was meant the reservations should be fully secured to his family." Now, can it be possible that he who uses these words can pretend he was dissatisfied, that the bargain was void or compulsive, or even harsh! These transactions occupy three years: can it be supposed that the opinion here avowed was lightly held or inconsiderately expressed! No, sir, I rely on it as incontestable proof, that there was no opinion then entertained by him or his family, that the bargain was other than beneficial.—In 1790, I do admit, that opinion appears changed. Twenty-five years after the transaction are disclosed the first symptoms of discontent on the part of the noble duke; for that period of time he and his family had been in the enjoyment of those advantages which the compact with government secured to them. Then it first occurred to him to advance a claim of addition to that price, which appears to others not merely adequate but most liberal.—To account for this change of sentiment is not difficult. Between the first petition in 1780, and that of 1790 which we now have in view, considerable addition had been made by parliament to the insular customs; their gross produce in 1780 was but 3,200l.; in 1790, it approached, within a few pounds, to 7,000l.—Here then, sir, is the source of his grace's *dissatisfaction.* Here the grounds of his present hopes of *further compensation!*—After glancing, then, at this new discovery of the compensation paid twenty-five years previously, being inadequate, the petition asks the appointment of commissioners to enquire into the nature and value of the rights and species of property necessary to remain vested in the crown for the security of the public revenue, and as to the injury alledged to be done to the petitioner's remaining interest.—How modest and humble this request! How great the contrast with the petition of the present day! such as it was, however, his grace utterly failing in making out any case, the decided hostility of the house to the principle sought to be established, induced the right hon. gent. opposite me to withdraw the bill.—In the following year commissioners were sent, under the authority of the king, to institute these enquiries on the spot. And here I desire to do justice to the selection made; there were on that commission men of the highest character for candour, abilities, and integrity. With the result of their labours, the island, as well as his grace, had reason to express, and each expresses, perfect satisfaction.—Here, then, it would naturally have been expected that every litigated object, every dormant claim, every possible subject of dispute, would have been brought forward, canvassed, and sifted to the bottom. Serious cause of complaint have I, sir, against the noble claimant, that when this opportunity offered of discussing a most prominent object in this report, from that discussion he shrunk. Had he then urged that monstrous claim on which the committee and his grace's other friends have so much dwelt, of a despotic power in the lord to impose on commerce what taxes he pleased, he could not have found a person competent to speak on the subject, who would not have witnessed against his claim, and to the reputation of the right being in the whole legislative body. This claim of arbitrary power in the lord proprietor, to ransom his vassals at discretion, with no limit but his moderation and their ability, would have met in the island with neither friend nor supporter.—Is it just, is it even decent, sir, to decide a subject so grave and momentous as this, without hearing the whole of the evidence; without giving to the house of Keys an opportunity, before some legal tribunal, of being heard? This body derives its origin from the remotest periods of antiquity: it is perhaps the only Celtic institution remaining upon earth. The insular records go back four centuries. At their commencement the house of Keys existed; but how long anterior it existed under the same appellation, is unknown. Before the revestment, the power of legislation, in all cases whatsoever, they claimed and possessed in union with the lord-proprietor and his council. The mode of election into that house certainly I shall not defend. But however objectionable in theory, no instance whatever of their abuse of power can be adduced. More faithful guardians of the people's rights could not have been found. In every dispute with the lord they have ever steadily been found on the side of the people. When these commissioners were pursuing their enquiries in the island, there were members of the Keys, and other persons then living, whose memory could go back half a century or upward, who could have stated the traditions of this subject, and explained difficulties, if any there were. To such sort of evidence his grace did not think fit to resort. The merit of this discovery was reserved for the labour and diligent researches of this committee.—However valuable the report made, and the evidence collected by these commissioners of enquiry, little good has yet resulted. There lies their report; and the most important suggestions of improvement they have offered, sleep with it.—From 1790, the date of his grace's last application to parliament, he appears to have given these poor islanders a long respite. Not till 1801 do we hear again of his claims. In that year comes his petition to the privy council.—The course of proceedings on that first petition, deserve attention and applause. As often as the conduct of the administration of that day comes under consideration, so often will it demand my warm approbation. It was an administration in which the public purse was husbanded; but at the same time that it was a government of less cost, it was, in my opinion, one of more vigour than the present.—The then minister, combining a just regard to the claims of an individual with the duty he owed the public, sent those claims for investigation to the attorney and solicitor-general. Their report is in all hands. It is the most satisfactory discussion of a mixed matter of law and fact that ever came under my consideration.—One of the subscribers of that report now fills a more elevated situation; from what we saw of him, when a member of this house, we are all, I trust, convinced that he will execute the duties of that station with honour to himself and advantage to his country. The other subscriber I sincerely regret, sir, not having the satisfaction of seeing this night in his place, but we all know him to be a man too honourable to permit me to reason from his report, if he had changed the opinions on which it is founded.—Able and masterly as that report is, it cannot but produce conviction with every man who brings an unprejudiced mind to its perusal.—Not so, it seems, thought the present claimant. To the attorney and solicitor general his grace himself replies! This is not, I presume, very usual: his memorial was however accepted; and the privy council proceeded to deliberate and consider the case.—They came to a decision, and made a minute of council.—It was not without difficulty we succeeded in bringing before the house this valuable document: it negatives, most completely, his grace's claims.—The next step to which the noble claimant resorts is to suggest to the privy council, that he had still another supplemental petition to present, containing new matter of importance.—The same principle of equity and moderation which characterised that administration, influenced it to suspend the report till this further evidence was produced.—Then comes a most material and fortunate occurrence for the noble duke—a change of administration! Mark the difference of their conduct. On this supplementary petition of the duke of Atholl, which turns out to contain not one single fact that can weigh a feather in the scale; without reference, as before, to the attorney and solicitor general; without giving them an opportunity of investigating the contents of this precious supplementary paper; of defending or abandoning their former opinion; the privy-council come to a report in direct opposition to the former, ratifying his grace's claims, and recommending the compensation being granted on the insular revenues; employing in this investigation not many more days than the preceding administration had done years.—On this report the present proceedings are founded.—Before I proceed, sir, to the consideration of the subject of the report of this committee, I must enter my solemn protest against the policy of the present measure. We are reversing the very purpose and principle of legislation: setting property afloat; rendering bargains insecure. Nothing but positive proof of violence or fraud could justify parliament in entertaining such a measure. It must hereafter be uncertain up to what period possession may be considered as a bar against claims that may be advanced for further compensation. It is not for us, after the lapse of forty years, to examine whether the sale on the part of this family was provident or improvident. Were time no bar, we are precluded from entering into that enquiry by his grace of Atholl's own avowal at the commencement of his career, of the liberality with which the treaty was conducted. If the principle be admitted, that the increased value, in the course of forty years, of any one object whatever sold, be it to the public or to an individual, affords a fit and just claim for the seller's demanding an addition to his price, then, sir, there is an end to the security of property.—To this measure in particular, sir, I object, because we have now but one party in our view. We consider it but with relation to the individual. The interests of the public, the injuries which provoked the servants of the crown to resort to the measures that were supposed to have led to the sale of the island, are now forgotten and unknown. Those who are now guardians of the public purse, no longer feel that sense of duty which impelled the illustrious minister of that day to act as he did in putting down that nuisance. We are now discussing this question as if against an innocent person; as if the country had no cause of complaint against his noble predecessors. It is scarce in recollection, that a yearly sum of 350,000l. was asserted to be lost to the revenue. If this was true, in ten years the public must have sustained an injury of three millions and a half of money. But certain it is, a gain had accrued to the proprietor of at least 50,000l. beyond his fair legal revenue.—It is quite immaterial to me whether all this was done with or without his knowledge; he might, and ought not only to have known, but to have prevented it. His duty, as a good subject, forbad his being accessory to a violation of the laws of the parent-country.—Why should not the descendants of the dukes of Richmond and Grafton, or various others, demand a review of their contracts? If the country proceeds in a progressive state of improvement, there will be a greater disproportion in forty years between the amount of the revenue they sold, than there is in the present instance; but with this material difference, that what they sold was their right. That which is now claimed springs from what the duke of Atholl had not to sell; and from improvements resulting from British trade, and manks industry.—To come then to this report, which seems to me to rest on four allegations: 1st, Precipitancy in carrying into execution the agreement. 2d, Inalienability in the objects conveyed. 3d, Incompetency in parliament to legislate for the Isle of Man. 4th, The notable discovery, recently made, of uncontrollable, despotic power in the feudal proprietor of the Isle of Man; of an absolute monarch created by a limited one. On the first head, this alledged precipitancy. If the charge be not founded on an arraignment of the usual form of proceeding in parliamnt, it appears completely unfounded.—More time than usual, indeed, appears to have been given. It was the noble personages' own fault if they had not more discussion as well before this, as another branch of the legislature.—But were I to couple the charge his grace makes of hurry and precipitance at one time, with the admission he makes of perfect liberality at another, this charge might be converted into an argument for defalcation, instead of increase of the price he has received.—On the next head, of inalienability, and some supposed defective formalities; as I have not received a legal education, it would ill become me to say a word. The house may probably hear from those who have had that advantage, opinions little according with his grace's. I have, indeed, been informed, that besides the sovereignty alienated to the crown, the family have, from time to time, parted with tithes, and other heads of property. These titles are held perfectly safe, and never have been assailed by the duke of Atholl.—But exercising only one's common sense on this allegation, how perfectly irreconcileable it is with the present attempt! his grace of Atholl asks more money. Why? because what he brings to market cannot be sold; because he can take no price for it; because it must be his and his family's property to the end of time. Excellent reasons these for restoring, but the worst possible for further compensating. It is a claim that money cannot satisfy.—But did he come to parliament on his first, second, or third application, with this allegation? Had he so done, it might have afforded fit matter for examination. This is neither the place, nor the time for fresh investigations. I am convinced, indeed, it is not wished we should look into them. This and the former allegation are merely thrown out as a help to amuse those who do not examine minutely.—They have no bearing whatever on the question of further compensation.—On the next head of the alledged incompetency of parliament to legislate for the Isle of Man, I shall not presume to offer any opinion of my own, armed as I am by the attorney and solicitor general of England with the opinions of lord Coke, and Mr. justice Blackstone; I cannot but agree with them in thinking it a question on which no doubt can be entertained. By lord Coke it has been held that by special name an act of parliament "may extend to the Isle of Man;" and sir W. Blackstone adds, "that this right has not rested in theory, but has been frequently acted on in parliament." To the instances cited by the attorney and solicitor-general, I beg leave, however, to add another, even somewhat prior in time, to any adduced by them: this is the 33d Henry VIII. called "The bill for Cross-Bows and Hand-Guns;" which imposes penalties on the use of weapons of certain descriptions. Amongst other places the Isles of Wight and Man are exempted; provided these weapons are not used against deer, and other enumerated animals.—If so used, the penalties clearly attached: here therefore, distinctly appears an act of interior domestic legislation for the Isle of Man.—The 5th of Elizabeth, c. 5th, affords an instance of the exercise of the very power repeated in that act of the 5th of the king, chap. 39, which the duke of Atholl and his committee affect to term the mischief-act.—French wines are forbidden to be imported into the realm of England, or any part of the same, except in English vessels: two exceptions are admitted; of Rochelle wines into Wales; into the Isle of Man, of 100 ton of French wines at the most. For the queen's duties on these excepted wines,express provision is made.—It is evident that the Isle of Man, and Wales, are here considered in the same point of view, as members of the realm of England; that it was equally competent to parliament to legislate for the one as for the other; and that the importation of more than 100 ton of French wine by foreigners, was therefore illegal.—The 7th of Geo. I, prohibiting the importation into the Isle of Man of East-India goods, except from great Britain, important as it is in every point of view, has wholly escaped the attention of this committee.—In that act we see another legislative measure, directly affecting the commerce of the island.—The 12th Geo. I, forbids the importation from the Isle of Man, into great Britain or Ireland, of any goods not its own produce, and inflicts the penalty of forfeiture, as well of the goods, as of the ship conveying them, superadding fine or imprisonment on the persons concerned in the landing. This statute also authorizes the treasury to treat with the proprietors for their claims over these regalities.—The act passed in the next reign, imposing on the seamen of the island the payment of Greenwich-Hospital money, and authorizing the collection of it by the servants of the crown within the island, is equally decisive. "Abundantly sufficient," we may well conclude with the attorney and solicitor general, they are to show that parliament has, in fact, again and again, exercised that right of legislation which lord Coke and sir W. Blackstone so justly attribute to it: Here is both theory and practice. Nor has it ever been disputed by the inhabitants of the island, or by any person, or at any time that I have heard, except on the present occasion, by the noble claimant.—If ever the time was when the competence of parliament on this head, if unfounded, should have been disputed, it was in 1765, when the act for putting down smuggling was proposed.—The noble proprietors then petitioned against it. A most eloquent speech, of which the memory still lives in tradition, and has been perpetuated by the press, was then delivered; a case on behalf of the petitioners, of which a copy is now in my hand, was then printed. Does any one of these documents breathe the slightest doubt as to the power of parliament?—At that period the proprietors had also the benefit of the professional assistance of another most eminent advocate, Mr. Madocks. But above all, they were aided by one whose judgment and sagacity are known wherever our tongue is spoken, by one of the greatest statesmen and lawyers the country ever produced, in short, by lord Mansfield. Is it possible that this argument, if maintainable, could have escaped his penetrating mind: that it would not have been urged with equal force and more effect than any adduced by the advocates acting for the noble petitioners.—Before I advert to the last claim this report states on behalf of the noble duke, of the power of arbitrary taxation existing in the feudal proprietor, I beg leave again to refer to the same valuable document, containing the case submitted to this house in 1765, by those proprietors.—Many years ago I discovered it by accident among the papers of a deceased parent. Little could I then dream, that I was this day to produce it as containing a complete refutation of this despotic claim; an unanswerable proof of the right of co-legislation enjoyed by the house of Keys, of which I have the honour to be a member.—The petitioners there state the insular government as composed of three estates: 1st, "The lord, who hath ever retained the rights of the ancient kings in assenting or dissenting to the laws proposed;" 2d, "In the governor and council;" and 3d, "the Keys, who are the representatives of the commons.—Their triple concurrence makes the law." "The laws of the island," the petitioners add, "have established a book of rates."—Now, sir, were I required to furnish a distinct, clear definition of the power of legislation as it then existed, I could not do better than refer to that prepared by the noble claimant's father. But I ask whether his statement be not as distinctly and clearly irreconcileable with the claim now advanced by this committee? Were further proofs required of the latter's claim being utterly unfounded in reason and in fact, those proofs are furnished by that very committee themselves.—In the very first page of their printed proofs they state, from the report of the commissioners of enquiry, as an allegation of his grace, that his family had the power of increasing the duties, with the consent of the legislature.—Next they state, in the third page, as collected from the whole of the evidence, that it is not probable that consent would have been given without an equivalent.—Really, sir, I am at a loss to conceive how the claim of arbitrary taxation in the lord can, even in their own opinion, have one moment subsisted in contradiction to proofs so decisive as these.—But, say the committee, "they have not discovered, nor were they referred to, any other instance of the interference of the Keys, as to books of rates, or duties on importation or exportation," except one in 1736.—Again I say, sir, I appeal to their own evidence. In page 42 they themselves insert an insular statute of 1734, imposing duties for 21 years on importation of arrack, equal in amount to the duty before payable; duties on all other spirits; on wines, coffee, tea, India goods, in short, on all foreign goods whatsoever, applicable to the repair of their harbours.—This statute, sir, (which has of course the consent and signature of the Keys) I produce in particular, detached from the others, as being in point-blank contradiction to this most unguarded assertion of the committee, "that they had not discovered or been referred to any other instance of the interference of the Keys as to duties on importations or exportations."—The intervention of the Keys, as the committee still more broadly assert, was confined to matters of internal regulation, and assessments for local purposes.—From their own evidence I will again, sir, prove the direct contrary. It short, it is impossible, I must repeat, that the framers of this report can have read the proofs on which they ought to have formed it.—Before I look more minutely into these proofs, part of which was laid before the committee by myself, I think it incumbent on me to notice the expression of surprise with which an hon. and learned bart. has been pleased to accompany his remarks on the part I took on this occasion; as if it were a private, ex parte transaction, in which my interference was improper.—I have sat in this house nearly 20 years. On all transactions in which the public has an interest I have constantly thought it the duty of members of parliament to pay attention, and, if in their power, to afford information. This I have considered not merely as excusable, but as their duty. High as the authority may be of the hon. and learned bart. I shall require authority still higher than his before I forego this opinion, and this practice.—In proof of the indubitable, and, till now, undisputed, right of the house of Keys to interfere in all matters of legislation without exception, I shall now proceed, sir, to call the attention of the house to the several acts of the insular legislature, termed acts of Tynwald, which the report of this committee lays before us.—The first legislative act in order of time, of which a record now exists, is in 1417, within a few years after the grant from the crown to the Stanley family. By this act penalties are inflicted, or declared, against the receiving felons by certain inferior barons; or on persons concealing themselves within these petty jurisdictions. To to this act the Keys are, *eo nomine*, parties. Objections, I know, may be taken to the form of this instrument. Its style is that of "indenture," but the effect and substance of it are clearly legislative: penalties are imposed by it on the subject. Allowance must be made for defects of form in barbarous times, where the rude and ignorant inhabitant possessed no other language than his own dialect of the Celtic.—Next, sir, I would beg to draw the attention of the house to the first book of insular rates, dated in 1577, which the committee asserts to have been made by the lord of the isle.—Again, I say, sir, the direct contrary appears on their own showing. These rates appear, in their very front, to be but "allowed and confirmed" by Henry earl of Derby. How can a man allow and confirm his own act? Is it not most palpable that this act must be the act of others? that it was complete when presented to him for confirmation? It is not pretended that the lord was sole legislator on any other head but imposing port-duties. How is it possible he could be in this, when he himself, in the very first instance on record, claims to be, not imposer and maker, but merely as giving his allowance and confirmation?—Safely as the case might here be left, I do not leave it here. An assembly of the legislative power of the island is called once a year, or oftener, of which the Keys are constituent members. This is termed the court of Tynwald. Here all legislative acts are proclaimed; and until proclaimed, they are not received as law. Certain customs by the lord's commandment, put in writing by the Deemsters, appear to have been thus proclaimed on the 13th of July, 1577. Now, sir, I defy the noble claimant to show me one solitary instance of any law whatever, founded on the will of the lord, being thus proclaimed. A proclamation at a court of Tynwald, or of a court of Tynwald, must necessarily and essentially be of the acts of that court; the Keys were indispensably members of it: and, after careful research, I cannot find one instance of the lord, absolute as he endeavoured to make himself, though certainly never so absolute as he is here pretended to have been, ever attempting to obtain the sanction of this solemn proclamation to his own mandates.—Next, sir, I will point to the solution given of a doubt which appears to have arisen on the interpretation of this book of rates. A fee of one penny had been fixed by it for the entry of every boat; a dispute arises to whom the penny belonged. It is decided to belong to the captain's clerk. By whom decided? Why, by the Deemsters and Keys. Now, sir, I ask whether this does not most distinctly negative the assertion that the lord was the single maker of the rate? Would not the litigating parties have resorted to the lord to expound what he had himself made? Would not the person whose claim was rejected by the Deemsters and Keys, have complained to the lord of their invasion of his prerogative? would the lord himself have acquiesced in that invasion?—To my understanding, these circumstances, even separately, but taken together, most indisputably evince the very contrary of the committee's assertion, and prove the lord proprietor not to have made the rate in question.—In 1692, I am ready to admit, the lord proprietor, by his own and his council's authority, did innovate on this book of rates. The commissioners of enquiry warn us of similar strides of power having been attempted. They tell us of a few "exceptions in which the commands of the lord proprietor have been obtruded as laws on the people." Between these acts of power, and the constitutional laws of the country, I have already observed, there is this evident mark of distinction: the latter are invariably proclaimed as laws in a court of Tynwald: the former never were. The alteration made in the book of rates in 1692 never was: therefore, I say, it never was the law of the land.—Gentlemen speak of the house of Keys not having opposed this obnoxious measure. At this distance of time I know not the fact, whether they did or did not. But if not, even at this day motives of excuse for their forbearance may readily be imagined. These, sir, were days of calamity to the Isle of Man: they had other more important subjects of dispute with their lord. He had pressed forward claims to all their lands. The island was then deeply depressed in poverty, and it would have been imprudent to irritate the lord proprietor on a subject of comparatively, and at the moment, little importance to them. These duties were of trivial amount; paid by strangers; and it was not then foreseen how much, and by what means that amount was afterwards to be augmented.—Even in 1706, it appears, sir, by an act of Tynwald, stated by the committee, that "the poverty and mean circumstances of the people" had prevented the payment of the lord's fines; and that to raise on the island an assessment of so small a sum as 160l. a delay of three years was necessarily given.—Where then could the Keys have looked for the resources to enable them to enter into new contests with this powerful lord proprietor? They might be silent; but "it was their poverty, not their will," consented.—The motives, or length of time, of this acquiescence, are now of little moment. I shall convince the house, that the lord has solemnly renounced this supposed right. And renunciation of an assumed right proves ten times more strongly against the renouncer, that it was unfounded, than if he never had assumed it.—An act of Tynwald of 1736, after stating, "that the present book of rates had not hitherto had the consent and concurrence of the 24 Keys," "ordains, consents, and enacts by the authority aforesaid, that the rates modified and altered should be levied without alteration or any additional duties, customs, or other impositions to be laid on any goods exported or imported for the future." His grace's friends evidently feel that this act of Tynwald is decisive on the question. They say the Keys "claimed, or assumed to themselves the right of confirming the rate." This is not correct: it was not assumed; their right is admitted. If it could be pretended that the proprietor himself was then unapprized of the extent of his prerogative, does he not appear to have been surrounded by his officers and magistrates? Seven of them subscribe this law. Can it be possible that this despotic power could have had an existence in right, and none of these persons whisper in the lord's ear that he was imposed on? can any man believe that they would all be parties in a robbery of the lord; and not merely of the lord, but of themselves? The rates of 1692, appear to have been imposed, not by the lord singly, but by the lord and council: what could induce the council to combine with the Keys against the lord by whom they were appointed, to deprive him and themselves of power unlimited, but legal?—Decisive evidence has, I think, been given, that this right of arbitrary taxation never resided in the lord. But if there were a doubt, a fit occasion offered when the commissioners were on the spot, for its solution. At the proper time, in the proper place, and before competent judges, his grace of Atholl did not think it convenient to institute this enquiry. Sir, I must infer, and any man must infer, he did not, because he knew it would be decided against him.—But admitting for a moment the arguments adduced against this odious claim not to be satisfactory; that the evidence on either side was balanced; still I should hope this house must come to a decision favourable to the Keys. It is probable, the practice in this island must have been analogous to that in the surrounding kingdoms. In ours, I deny there ever existed a right to tax the people without their own concurrence.—Some modern historians attempt to fix the period when representation began. Vain the attempt! It was not the gift of an Henry or an Edward. From our Saxon progenitors we derive it; and coeval with our representation was the right in the popular assembly to grant or to withhold taxes from their sovereign.—Such a claim as the present seems at war with the very fundamental laws of society. And here, sir, let me appeal to the authority of one, whose name gives weight to all he has written; to whom the general admission of his own and every succeeding generation, has allowed a place amongst the most enlightened of men. The works of this great man have been thought worthy the particular attention of a prelate, as distinguished by his piety, as he was eminent by his learning and talents. Presiding over one of the colleges at Cambridge, he encouraged the study of the work to which I allude, as the best foundation for the forming pure public principles. Often has he to me inculcated the utility of its frequent perusal; and happy I am in this opportunity of expressing my veneration for the memory of this worthy prelate; my gratitude for his kindness; and the pride I feel in claiming him as my relation. I allude to Locke's immortal treatise on government, as edited by bishop Law. "If any one," he says, "shall claim a power to lay and levy taxes on the people by his own authority, and without consent of the people, he hereby invades the fundamental law of property, and subverts the end of government; for what property have I in that which another may by right take when he pleases to himself?—But to return to the labours of this committee; they have asserted, sir, that the intervention of the Keys was confined, in all instances but one, to matters of internal regulation. Extraordinary assertion! look at their own evidence. On the 3d August, 1711, you find an act of Tynwald for "preventing frauds in her majesty's customs;" this is an insular mischief-act which originated in the suggestion of custom-house officers there resident. Had it not been at a subsequent period suspended, this act alone would have cut up smuggling by the roots. The only boon the Keys asked in return, was the liberty of vending their native produce among their wealthier neighbours. It was refused them.—I am sorry, sir, here to remark the contrast between the then conduct of this little community, and that of the servants of the crown, the wisdom of the insular legislature, in preferring the advantages resulting from regular industry, as a more certain road to prosperity than the specious profit of illicit commerce. A more enlightened policy would have induced the treasury to comply with so reasonable a petition; to have conferred it as a favour, if not as a right. Conceiving, then, that no alternative remained but to smuggle or starve, in 1713 the insular legislature suspend the former beneficial law; and probably the smuggler soon resumed his ancient habits.—After the feudal proprietor had once consented to the abolition of illicit traffic, it would ill have become him personally to sanction its renewal. To relieve him, perhaps, from this odium, the plan was adopted of granting a lease of his customs to two strangers. The tempting offer was made of a rent of 1000 guineas; and the magnificent idea put in practice of resorting to foreign India companies for a supply of teas and other commodities to smuggle on our shores.—Then followed the act of the 7th Geo. I. inhibiting such importations, except from the mother-country: and within a few years the drawback on goods exported to the island was disallowed. —The lessees' profits from farming these customs being thus curtailed, they offered to surrender their term. It was accepted. But does it appear that the feudal proprietor claimed indemnity for the diminution of his profits? A defalcation then probably took place in his income from this source, of 800l. a year, nearly equal to 3000l. at the present day. But we do not find that any complaint was uttered, any allegation made, of wrong done him by parliament in thus abridging his customs. Again, in 1726, the court of Tynwald pass and proclaim a law, approved by the lord, restraining the exportation of salt. Within five years after occurs a strange measure, indeed, for this puissant monarch of man, possessing powers greater than the sovereign of England. Our king can circulate copper coin by proclamation: but here it appears that the feudal proprietor was obliged to go to the house of Keys, for leave to give currency to a few hundred pounds worth of halfpence.—On the whole, sir, on this head of the subject, I appeal with perfect confidence and perfect security to the evidence collected by this committee themselves, as proving the direct contrary of their assertions.—The last subject, sir, to which I shall entreat the attention of the committee, is that of the revenue under the feudal proprietor. I must here also begin with entering my protest against treating this object by any means as private property, transferable from hand to hand, or to be made a subject of sale. It is undoubtedly the right of the people; paid for their benefit; and not to be considered, at any time, or under any circumstances, as merely a source of profit to an individual.—By the Derby family it was never probably so viewed. Their princely fortune put them above the need of the miserable produce of these duties. The legislature must have intended them as a small aid toward the defraying the expences of civil government, then wholly incumbent on the proprietor's land-revenue. This his grace retains, liberated from the burthen of civil or military expenditure. —Another circumstance I must notice, as placing this subject in a false light, which is the calculating the probable amount of the proprietor's duties in 1765, on present produce, present consumption, or present actual importation. The population in the intermediate time has arisen one half. The degree of increase taken place in the wealth of the island it is difficult to calculate. A comparison between the rents paid then and now would indicate an advance from four to eight times the amount in 1765. With the increased numbers, and the increased means of the inhabitants, how great must be the increase of duties on imported luxuries!—But as we must take some criterion, let us even take this most favourable one to the noble claimant. Pursuing it with the attorney and solicitor general, it turns out, that the revenue to the lord, on the most favourable year that had then occurred, according to the antient scale of duty, would have produced 846l. 19s. To which, it is admitted, should be added, the average produce of a duty on herring-boats, a salmon fishery, &c. 222l. Making together 1068l. 19s.—I have also, sir, two calculations, one on an average of seven years, of the actual importations, which, with the addition of the 222l. still does not amount to 1000l. The other, formed on the importations of 1802, the year in which the largest importations ever known were made into the island. With the same addition, this would amount to 1270l. The calculation given in by his grace to the committee makes the licensed articles produce 686l. 3s. 9d. The ad-valorem articles 2199l. Now, sir, it is pretty remarkable, that on a head which can be ascertained, namely, the duties on licensed articles, we agree so closely; but on another, which is not reducible to the same certainty, his grace should differ so widely from every other computation. The same regard to candour which induced the attorney and solicitor general to give the due credit for the last sum of 222l. would also have induced them to notice their omission, on the other hand, had they been aware of it, to deduct from the amount, the expences of collection, of the civil government, and all the other charges on the sovereign. In the same, or in a higher ratio, these must have advanced. In 1765 they appear to have amounted to 777l. currency. At this day it is probable they would have absorbed every shilling of these duties.—Another observation I must make, Mr. Speaker, is, that these receipts and payments are but in Manks currency; that is, one seventh less than sterling.—Thinking, as I do, any reference to present circumstances, in order to draw results applicable to a state of things forty years ago, to be fallacious in itself, and injurious to the cause of the public and the island, still, sir, I cannot avoid making a few further remarks on the computations thus founded.—On behalf of the duke of Atholl, a paper of calculations was laid before the committee, applying, as it is said, the rates of 1692, to the importations of 1802.—Beside the articles of licensed goods, the present great source of the insular revenue, it appears that in 1802, upon non-enumerated goods, paying certain per-centages, varying from 15 to 2½ per cent. arose a revenue of 2198l. 16s. 10d. From that same source, I am informed, his grace computes the propriety per-centage at 2199l. In no case, I believe, but with regard to corn as a matter of regulation, did this exceed 2½ per cent. on goods now imported free of duty, or subject to a per-centage.—Now, sir, premising that a large proportion of the island, probably a third, perhaps a half, is mountain; assuming the number of productive acres at 160,000, and their average rent at ten shillings; in both instances I doubt exceeding the truth, the amount of rent will be 80,000l.—Next, sir, calculating what would be the value of goods to be imported in one year to produce at 2½ per cent. 2199l. I find it to be 87,960l. So then beside the principal fund from which these customs arise, namely, duties on licensed goods, the great articles of importation, and which can be ascertained, it is necessary for his grace's case to assert, that the value of non-enumerated goods imported into this still slenderly-peopled island, and which cannot be exactly ascertained, probably exceeds by the sum of 7960l. its whole rental.—We see, then, that to support his grace's case, proofs are resorted to, which in strictness do not apply: when these fancied proofs are examined, they are found, not disputable, not improbable, but, I verily believe, morally impossible to be true.—To show how fluctuating the insular revenue is, and ever must be, when governed by a casualty so great as the good or ill success of the herring fishery, I must remark, that the gross amount of revenue in 1804, appears to have been 10,473l. 5s. 3½d. The fishery of that year failed. Had it been as successful as that of 1802, when the bounties amounted to 4001l. 6s. 1d. then, after payment of all charges, the surplus would have been 2625l. 15s. 5d. A pension of 300l. has since, it is said, been imposed on this revenue, which would therefore reduce this year's apparent surplus to 2325l. 15s. 5d. —The policy of the mother-country, sir, the interests of the island itself, require that its staple, the fishery should receive every possible encouragement. With more hands, and more capital employed, it may yet be considerably extended. The bounties that may hereafter be claimed may call for the whole of the apparent surplus. I understand, indeed, that this event is by no means improbable. The continuance, the extension, or the increase of these bounties, would find in the duke of Atholl, of necessity, a constant enemy. But, sir, on the other hand, his utmost care has been, and would continue to be, exerted to augment the customs. The accounts on your table prove the fluctuation of these customs: at present they are on the decline. The committee state, that the revenue of 1802 produced more than 1801, but of 1803 and 1804 they say nothing. Why? Because the inferences to be drawn from those years, though more to the purpose, do not suit their views of the subject.—But, sir, each of these years, and every year, presents a too favourable view of the insular finance. All the commodities there imported are not, I fear, there consumed. I wished to call before the committee these receivers-general, to obtain from them the proof, that no inconsiderable proportion of duties arises in the Isle of Man, on commodities paying low duties, afterward clandestinely re-shipped and smuggled back again.—Were the suggestion of the commissioners of enquiry adopted, of transferring to the board of customs the superintendance of this revenue, their habits of attention, and their experience would soon check these frauds.—Among other evils resulting from its being placed in the hands we now find it, in the committee's report I observe the extraordinary admission that a sum of upward of 20,000l. arising from these customs, is suffered to remain in arrear. Where are we to look for this sum? Are we to advertise for it? Why is it not paid into the exchequer? Has not parliament precisely directed it to be so paid? But we are, I am grieved to say it, so habituated to the violations of acts of parliament, that we discover another flagrant instance, without any emotions of surprise.—If this revenue were under the management of the customs, it is by no means probable its produce for so many years would be thus withheld; nor can I understand why this should be permitted.—The present claim, by one of its supporters, who appears to admit it to be unfounded in justice, is put on some vague grounds of generosity or liberality. Sir, I am not ashamed to say, that as a member of parliament, as one of the guardians of the public purse, I do not comprehend the term. The liberality of an individual, out of that which is his own, I do understand, and know how to prize and honour. But how can I be liberal out of that which is not my own? How can the guardian display his fine feelings at the expense of his ward? The member of parliament, out of the pockets of his constituents? But, sir, this act of liberality is attempted to be exercised, not out of the pockets of our constituents, but out of the pockets of those who have no representatives; who exclaim against it; who think it not liberality, but an act of profusion and injustice.—So far from giving the present claimant further compensation, they say they are as well entitled to compensation as himself. They have had none, but would think it doubly hard to be exclusively subjected to this second and every further claim of compensation, the already compensated seller thinks fit to advance.—We ought not, sir, to drop out of our view in what case the noble claimant himself is placed. You compensate a claim he alledges to be well founded out of an uncertain and fluctuating revenue: you put his interest in direct and constant opposition to the welfare of the island. It will be for ever the interest of him and his descendants to extract the utmost possible amount of duties, to depress as low as possible its necessary expenditure. The bounties to its fisheries, the charges of erecting and improving public edifices, and every other public improvement, may be so much taken out of his rent-charge. It has been, for instance, thought that some of the insular magistrates and officers receive inadequate salaries. What hope can they have of increase? In short, what measure attended with increased expence will hereafter be effected, if the surplus becomes the joint property of the crown, and an individual? Do you not continue this family, of necessity, either their own enemies, or the hereditary and constant opponents of the island, benefiting by its charges, losing by the sums expended for its advantage? Do you not make it their interest to be perpetually proposing new taxes? Even with regard to the mother-country, the situation may not be void of danger. It will be the interest of the family to encourage, by every means, the largest possible importations; but perfectly indifferent in point of interest it will be to them, whether these importations are consumed at home or elsewhere. Is this a situation in which a man ought to be placed?—But if it be determined, sir, to admit this claim, if it must be compensated out of the means of those on whom last of all this burthen should be imposed, in the name of God do it at once! Exercise your omnipotence. Take what you please; you may do it with impunity. But do not create, do not leave behind you a constant source of dissatisfaction. Do not erect a land-mark of discontent, by imposing perpetual burthens, which will at the same time perpetuate those feelings of indignation which the present measure has excited. Consider how harsh it is to force these islanders to contribute for ever, to a cause which they disclaim and disown.—Look, sir, at the case as applied to ourselves. Never was there raised in any country so great a revenue, when compared with its population. No man can pretend but that it is severely felt, yet, sir, it is paid with cheerfulness. Were even greater burthens necessary, so long as the exigencies of the state require it, and we have the means, those burthens we shall manfully bear. And why? Because we have the conviction that they are paid for our own benefit: that we are by that payment secured in the enjoyment of those advantages no other country possesses. Proudly conscious of the pre-eminent and inestimable blessings we enjoy, we are ready to contribute up to any amount the public exigencies may require. But I would ask the right hon. the chancellor of the exchequer, would these burthens be endured, if there were as general a conviction that they were applied to purposes of individual advantage? Again; would it be safe or prudent to impose the charge of remunerating an individual for services, however brilliant, on this or that town, or this or the other parish? What must be the feelings of the district on whom he was thus quartered? But still more, if its inhabitants considered the burthen imposed on them as arising from other motives than the merits of the favoured individual.—The strength of the Isle of Man is its weakness. Its reliance is on the generosity and magnanimity of parliament. If you do them this wrong, and the effect be but momentary, in time they may forget it. The remembrance of past kindness, the hope of your returning favour, will afford sources of consolation: but do not, let me adjure you, do not inflict a wound that is to rankle and fester for ever.—No grant exactly of the nature now proposed has ever, I believe, been made. However objectionable some of those the most nearly approaching it may have been, they are lost because coming out of the general mass. Why desert this policy? Why impose on one speck in the empire a burthen intended for the benefit of individuals?—On the whole, I would observe, that the allegations in this petition are unproved and unfounded; that the feudal proprietors did not possess an arbitrary power of imposing taxes; that neither Henry IV. nor James I. in fact, granted, or could grant it; that if it had been attempted to be granted, that it would have been an abuse of power in the grantor; void and illegal in itself; that the duties of 1577 might be legal; but those of 1692 are clearly against law, and fraudulent, till confirmed by the insular legislature; that even at this day the revenue transferred by the proprietors to the crown, certainly could not on its gross produce have averaged 1200l. a year; and probably would not have covered the expences which were incumbent on it; that the present improvements of the island, from which even that revenue would be extracted, are the result of boons granted by the British parliament: that the right of legislation constantly exercised by parliament over the islanders, is founded on the best legal authorities: that the revenue, parliament imposes, the islanders pay cheerfully; but had they resisted its first imposition, what hope could they have entertained of success? Abandoned by their natural protector; without a friend! with the just odium upon them attaching to this nefarious traffic, that resistance must have been fruitless.—The surplus of their revenue they perceive set apart by parliament, undoubtedly for their use. Other proofs of the moderation of parliament toward them they acknowledge, and of the exercise of this branch of its power they do not complain.—As to compensation to the noble claimant, this has already been given most amply, as far as money can be its measure. The last proprietor of this regality, weighing the solid advantages to his rent-roll, by parting with the island, against the gratification to be derived from its possession, preferred, and I think wisely, that which was beneficial to his family, to the pride of grasping in his hand a barren sceptre. But if the thing must be done, let it be done in the way least offensive to the feelings of the payers. I trust, however, it will not be done. On the part of the people of the Isle of Man, I protest against its injustice. As a member of parliament, I protest against such a waste of the public money. Never was there a period when it behoved us more narrowly to watch its expenditure. On these grounds I move, "that the further consideration of this report be put off to this day three months."

Sir *W. Burroughs* replied to the arguments of the hon. gentleman, and supported the claim of the duke of Atholl for an additional compensation. He attempted to prove by a reference to lord Coke, that the lord of the Isle of Man was formerly an independent monarch, and that the house of Keys was not a legislative but only a judicial body. The members of that house could not be termed representatives of the people, for they were self-elected. The lords of the treasury in 1765 had been authorized to treat with the representatives of the lords of the island, without any supposition that any other parties were entitled. The Duke of Atholl refused to alienate his rights. It was not till the government of this country shewed a disposition to abridge those rights that the alienation was agreed to. The commercial pretensions of this country to legislate for Ireland and America were abandoned; there was no better right to legislate for Man, except as the holders of the rights of the lords. The customs revenue since 1798 had increased from 6,000l. to 16,000l. a year, and the compensation which was to be regulated by the result of the experiment was claimed accordingly. The sum of 70,000l. with the pension was an inadequate compensation. He adverted to the purchase of the heritable jurisdictions of Scotland, which were very highly paid for, from the consideration of the honours surrendered. He trusted the minority of the present duke, when the arrangement was made, would give force to these arguments, and dispose the house to consider the claims now made as valid.

Mr. *Bond* said, when he opposed the present reception of this report, he did it on the principles laid down by lord Coke, sir Wm. Blackstone, and by the attorney and solicitor general, who had all concurred in the opinion, that the authority of parliament was paramount, and that it had an unquestionable right to legislate for the Isle of Man. Whatever ingenious reasoning might have been employed by the hon. and learned baronet, there were no facts to shew that the duke of Atholl was independent of this control. The commissioners appointed to enquire into this business said, that if the custom duties were increased, it must have been with the consent of the *Claves Insulæ*, who would require a return for such a concession. How, then, could the duke obtain an increase of revenue from this source to the extent that had been pretended? The only question of importance was, if the compensation already made to the house of Atholl was grossly inadequate: if it were not, there could be no sufficient reason for opening what had so long been closed. The increase of profit, from the advance of population, and the improvement of the state of society, could not be any fit ground for such a proceeding. He was in the privy council when this subject was before it, it was not, therefore, wholly new to him. The matter was at that time referred to the law officers of the crown, and their report was received with the respect it deserved. To this report the noble duke was permitted to reply, by the exercise of unusual indulgence, in the form of a memorial; and before the decision of the council was laid before his majesty, his grace applied to submit some new facts, to which also the privy council condescended, with the express injunction, that these new facts should not only be new but important. When he (Mr. Bond) was no longer a member, the privy council came to a resolution, that the remuneration was inadequate, but he knew nothing of what led to this change of sentiment, and had in no respect altered his opinion on the subject. If it were not competent, the *onus probandi* was with the duke, and that burthen he had not thought proper to sustain. The memorial stated that the revenues of 1802 were much greater than those of 1765; but should the compensation be governed by the present state of the income, and not by the produce at the time the contract was made? This was an application, it should be remembered, not to the liberality, but to the justice of the house; and on no principle of justice could it be supported.

Lord *Glenbervie* asked, if the opinions of the attorney and solicitor general were to be considered as law; or that they were supposed to be binding on any member of that house; lord Coke's opinion was erroneous with respect to the right of England to legislate for Ireland at that time, as had been declared afterwards in effect by the act of 1782. His opinion relative to the Isle of Man was equally unfounded. Yet the attorney and solicitor general had only pronounced a negative opinion on the case; they had never come to any positive decision. For his part he thought that, from a consideration of all the circumstances of the case, if he was on a jury upon the merits of the case, he should be bound to say, that at least it was entitled to re-consideration.

Earl *Temple* observed, that the business had the appearance of a job; and, of all times that could possibly be pitched upon, the present was the most unpropitious to a measure of that sort. Seeing the very heavy burthens to which the people of England cheerfully submitted for the necessary expences of the state, he would not think of voting away their money to any individual, however highly respectable, merely because the revenues of the Isle of Man had increased since the bargain was made. If the first contract was a close bargain, as had been urged, he conceived that a much greater compliment could not be paid to his revered relative (Mr. George Grenville), who was then the minister, and had been so provident of the public money. For these reasons he felt himself bound to support the amendment.

The *Chancellor of the Exchequer* supported the original motion. He considered the compensation in a two-fold aspect, as a compensation for dignity, and as a compensation for revenue. The original sum of 70,000l. might be considered as nearly exhausted by the compensation for dignity, leaving but a small surplus for revenue. He urged the claims of the duke also on account of the increase of revenue since that period.

Mr. *Windham* considered the business as what was vulgarly called a "job". He thought that a case had never occurred, which involved so unwarrantable and shameful an abuse of the public money.

Lord *De Blaquiere* and Mr. *Rose* supported the petition, and spoke at great length in favour of the original motion.

Mr. *Bankes*, Mr. *Wilberforce*, and Mr. *Grey*, argued against the motion.

Mr. *Sheridan* said, he would detain the house only with a very few words, and the rather he should be disposed to confine his remarks, because, excepting from his right hon. friend below him (Mr. Windham), he had heard very little that was applicable to the question. The committee in which these claims were considered, had been treated as indecorous, irregular, and even clamorous. It had the general defects of all open committees, and this was all that could be stated justly against it. The whole of the present debate was out of time; the gentlemen who had discussed the subject ought to have attended in the committee of which they complain, and to have assigned their reasons for the conduct they would now pursue. The question now before the house was, whether the report of the committee should be taken into consideration; and it was absurd, on such an enquiry, to examine into the general merits. The whole affair had been charged as a ministerial job. He should not easily be suspected of conducing to any project of this kind, and the doubt was not what the duke of Atholl should receive in remuneration, but whether the house of commons should preserve that dignity and justice in its proceedings, by which it should be ever characterised. Much of the argument had been applied to the sovereign rights of the house of Atholl. He should have been extremely glad to have seen the right hon. the attorney-general in his place, to have denied the existence of such rights, and as he did not appear in his place to support his former opinion, he might at least be permitted to conjecture, that the right hon. and learned gentleman had abandoned his former sentiments. He reluctantly opposed the friends with whom he was accustomed to concur, but he felt it his duty to vote for receiving the report.

Mr. *Grey* spoke at length against the claim, and made several observations on the arguments advanced.—The house then divided; when there appeared for the original motion 114; against it 48; majority 66.

The *Chancellor of the Exchequer* then proposed that the committee be appointed for Wednesday next, as the first open day, which was opposed by Mr. Curwen and Mr. Peter Moore, who moved an amendment, to insert the words on Monday se'nnight. The house then divided. Against the amendment 40; for it 14; majority for the committee on Wednesday 26. The other orders of the day were then disposed of, and the house adjourned at half past three o'clock to Monday.

HOUSE OF LORDS.

Monday, June 10.

[Minutes.] A message was received from the commons, importing that the house had granted permission to sir John and to sir James Stewart, baronets, to attend their lordships' committee, if the said members thought fit.—A second message was received from the commons, presented by sir John Stewart, including an exposition of the grounds on which the committee of that house (to whom the consideration of the affair of sir H. Popham was referred) required the attendance of the earl of St. Vincent to be examined before them.—Lord Sidmouth shortly addressed their lordships, relative to the last message from the commons, to the purport, as we could collect, that he was authorised by his noble friend, the earl of St. Vincent, to declare that he was ready and willing to attend the committee of the commons, should their lordships please to permit him.—Lord Walsingham acquainted the house, that a noble marquis (of Abercorn), then absent, intended to submit a motion to their lordships to-morrow, respecting the sitting of the committee of the whole house on the case of Mr. justice Fox.—The bills upon the table were forwarded in their several stages.

[Lancashire Justices' Salary Bill.] The Earl of *Buckinghamshire* moved the first reading of the bill for authorising the payment of a salary to the chairman of the quarter sessions of the county of Lancaster, on which

The Earl of *Radnor* rose, and expressed his decided disapprobation of the measure. He observed, that the office to which the bill applied was one of antient institution, greatly conducive to the public welfare; and the more so, as it was always performed gratuitously. He was willing to admit that some strong and plausible arguments would apply in the present case. Let their lordships consider the duties which were imposed on jurymen, to be gratuitously performed, and who were liable to be fined if they did not attend; in that respect, what difference should there be between the county of Lancaster and other counties? that part of the country was very populous, but was highly prosperous; why should it possess the advantages of prosperity, without at the same time suffering some of the disadvantages which resulted from it? Were the bill in question passed, there would be applications of a similar kind from other quarters. He had several other objections, but he now objected to the principle of the bill; and, under his impression of it, would move to amend the noble earl's motion, by substituting for the word "now," "this day three months."

The Earl of *Buckinghamshire* said, he was aware of several objections which might be made to the bill; but the truth was, that all those whom he had consulted on the occasion, were impressed with the necessity of the measure, and were of opinion, that it was impossible to carry on the business to which the bill referred, without a provision of the kind; so much so, that he thought he only discharged his duty to the public in supporting it; the part of the county of Lancaster to be affected by the bill contained an immense population, a great part of whom were manufacturers. For the three last years, the office in question was executed by a person who resided thirty miles from the place; the measure under consideration was necessary in the opinion of many conversant with the business of the courts of justice. His lordship went into a statement of the number of cases tried in the year 1800, and the four following years, and adverted to the serious inconveniences which must ensue, were these, or the greater part of them, left to be tried at the assizes. The salary was to be given only in the event of a person duly qualified for the office not being found willing to act without it. In short, from the opinions of all those he had consulted, and from those most conversant with these things in that part of the country, he was convinced it was an innovation rendered necessary by the peculiar circumstances of the case.

The Earl of *Bridgewater* made a few observations in favour of the measure, and, after a few words in explanation from the earl of Radnor, the question was put, and the amendment of the latter negatived; after which the bill was read a first time.

[St. Pancras Poor Bill.] The Bishop of *St. Asaph* rose to make his promised motion relative to this bill. He observed, the small mistake which gave rise to a precipitate reading of the bill a second time on that day fortnight, had prevented those lords who disapproved the measure from delivering their sentiments, or those who petitioned against it from being heard by their counsel at the bar. For his own part, he greatly disapproved of the bill; so much so, that he should presently move that the order for a committee sitting on the bill to-morrow be discharged, in order to follow it up, should he succeed in it, with another motion for committing the bill on that day three months. This he was induced to do, from his objections to the principle of the bill; which, in fact, was totally to repeal the act passed towards the end of last session; an act, which had much time and labour bestowed on it by several of their lordships, in a committee, and in which it was considerably amended and improved; this, the petitioners for the present bill, said, they found from experience; from the experience of not more than half a year, to be insufficient to its purposes, and they now desired its total repeal as the best means to carry its provisions into effect! Who were the persons to be called upon for this? Not the parish of St. Pancras. They were a select body or number of men, who styled themselves the guardians or directors of the poor. The object was to take the administration of such affairs from the vestry at large, the churchwardens, &c. and to vest it in the said select body. The right rev. prelate then went into the history of the original bill which came before their lordships towards the latter end of the session of 1803, and described the powers which the promoters of the bill required should be vested in them. They were to be self-elected; they were to assess the rates; all the vacancies were to be filled up by them; they were to produce no vouchers; they were to be their own auditors, &c. All these improper provisions were amended by their lordships. The result was, that the bill, on account of the late period of the session, was lost for that year. The bill of last year, ameliorated and improved, as he had alluded to, followed; and this bill, the parties in question say, is insufficient to its purposes, because it did not give them power enough. The present bill went to do away all the amendments made by their lordships to the last act; in fact, it repealed the original bill, of which, without meaning to offend the aristocracy of the parish of St. Pancras, he must express his disapprobation. It reminded him of a bill, not long since, and very properly, thrown out by their lordships; the professed object of which was, the improvement of the art and mystery of chimney sweeping—[a laugh]. The object of that measure was, to place more power in the hands of a select body of opulent chimney sweepers. Were the bill under consideration suffered to go to a committee, the long and tedious discussions and hearing of counsel, who would have to argue that black was white and white was black, would be endless; for the worse the cause was, the more subtle should the distinctions necessarily be—[a laugh]. In concluding, his lordship adverted to the late period of the session, and expressed himself decidedly against the farther progress of the bill, and moved, " that the order for the committee to sit on the bill to-morrow, be discharged."

The Earl of *Suffolk* approved of what had fallen from the right rev. prelate, and added, that the bill in question proposed to relieve the poor, upon a principle, that those of the parish of Mary-la-Bonne were better regulated; a position which he must deny; for, in Mary-la-Bonne parish, there were upwards of 40,000l. raised, for the maintenance of 1,013 poor persons; whereas, in the parish of St. Pancras, only 10,500l. were raised for the support of about half the number; there were some other detailed considerations, he observed, to be collected from the report of the other house of parliament, which would lead him to decide against the present bill.

The *Lord Chancellor*, after shortly referring to what had been said by the right rev. prelate, relative to the proceedings on the former bills, and jocularly alluding to what was said on the hearing of counsel, deprecated all hasty decisions on bills of such a nature as the present. He adverted to the scenes of confusion and animosity, and the numerous litigations which resulted from certain popular parochial elections, more especially in large parishes. He argued in favour of the bill's going to a committee, and adverted to certain legal difficulties, which had arisen with respect to the operation of the existing act. After some further observations from the noble and learned lord, as to the merits of the particular question before them, the house divided on the motion of the bishop of St. Asaph; when there appeared, for that proceeding 7; against it 31; majority for th bill 24.

[CONDUCT OF JUDGE FOX.] A copy of the evidence taken before the close committee of their lordships, to whom it was referred to investigate the truth of the matters alledged in charge against Mr. justice Fox, being laid on the table;

Lord *Minto* moved, " that the same be printed for the use of the members of the house."

The *Lord Chancellor*, after adverting to what had been thrown out by a noble and learned lord the other night on the subject, observed, he had anxiously enquired with respect to the proceedings then alluded to, and found, that the house had been, in these instances, so cautious, that some degree of restriction prevailed with regard to the inspection of these documents, even by peers themselves; and, the order, in which their lordships then expressed the parliamentary usage of the house, stated, that the evidence (in the case of Mr. Hastings), printed from day to day, was for the use of members of the house *only*. With this precedent, and under his own convictions upon the case, he would beg leave to amend the noble baron's motion, by the addition of the word "only;" so that it would appear on the journals, that those with whom perhaps it most particularly lay, had not forgotten to do what they thought their duty.

Lord *Hawkesbury* stated, that his idea was that the same degree of publicity ought to be given to the evidence taken before the committee, as to that given at the bar of the house. He wished for no more, nor could he take less.

The *Lord Chancellor* agreed so far with the noble secretary of state; but repeated his opinion of the impropriety, injustice, and probable mischievous consequences of suffering general publications of unfinished trials to go forth.

Lord *Minto* observed, that his sole object was the attainment of substantial justice; he had no objection to the noble and learned lord's amendment, but alluded to the difference between the case of Mr. Hastings and the present, where the party had no possible means of learning what transpired in evidence on the former occasion, except through a proceeding of this kind.—The question was then put, and the motion, as amended by the lord chancellor, was agreed to.

[STIPENDIARY CURATES' BILL.] The order of the day for summoning their lordships, upon the Stipendiary Curates' bill being read,

The Bishop of *London* rose to move the second reading of this bill. He described the leading provisions of the measure, contended for the necessity of a regulation of the kind, and expatiated on the beneficial effects which would result from it. He described with great feeling and effect the miserable and degraded situation in which numbers of the curates of the Church of England are now placed, languishing in poverty and obscurity on their present paltry and inadequate stipends. He contended that the bill could not involve an invasion of private property, as that species to which it referred was not as a freehold property, but including serious and important duties which the incumbent was bound to perform, or to provide a substitute at an adequate salary; and he argued that no well-founded objections could apply as to the discretionary powers of the bishops. He insisted on the propriety and justice of allowing the curate who performed the duties, a stipend proportionate to the amount of the living; and concluded by recommending, in pathetic terms, the cause of the unfortunate curates to the peculiar care and protection of a British house of peers! The rev. prelate then moved, that the bill be now read a second time.

The Earl of *Suffolk* took the opportunity to state, that, according to information on which he could rely, the small addition lately granted to the salaries had not *bonâ fide* been paid to them; even the full amount of the poor 75l. a year. He related an anecdote of a lady, who some years since bequeathed an addition of 20l. per annum to the 50l. which the curate of a certain parish was paid; but, instead of paying the poor man this annuity in addition, the incumbent docked his salary of an equal amount; he hoped no such practices would prevail in the cases under consideration; there should be some degree of publicity in transactions of the kind, and the value of livings, &c. should be reported to some official quarter. He was glad to understand, something of that kind was provided for in the bill. But, he observed, the situation of the curates alone should not be attended to; numbers of the poorer order of beneficed clergy were equally objects of consideration; and, of which his lordship related a striking instance, which he was a witness to in the North of England.

The *Lord Chancellor*, after declaring himself a warm advocate for the object of the bill, entered into a detailed consideration of several of its provisions, which he agreed were matters for serious consideration in a committee: he hoped, considering the late period of the session, no delay would take place. Some of the provisions of the bill were new to him; and due regard, he observed, should be had to the extent of the cure. Adverting to an observation which fell from the noble earl who spoke last, he said he should not turn advertiser for the complaints of curates.

The Earl of *Suffolk*, in explanation, said, he was indebted for much of the important information he had received on the subject, to what he had said in that way on a former occasion. He received more than 100 letters, most of them with names to them, though the general request of the writers was that their names should not be mentioned.

The Earl of *Bridgewater* made a few observations in favour of the bill; but thought it contained some provisions which were fit matter for future consideration and amendment.

The Marquis of *Buckingham* had the principle and objects of the bill warmly at heart. It was essential to follow up the imperfect measure of last year, and he had no fears as to the bishops' abusing the discretionary powers vested in them. There were, he agreed with some noble lords, certain parts of the bill worthy of serious future consideration, and susceptible of amendment; yet he seemed to say, the object of the bill was so desirable, it would be better it should pass with all its imperfections on its head, than to be totally lost.

The Bishop of *St. Asaph* enterted into some detailed considerations as to the merits of the measure, and adverted to some serious instances, in which the residence of the incumbent was thought fully as important, if not more so, than that of the curate. Much as he had the object of the bill at heart, he could not go the length of the noble marquis in saying that he wished the bill to pass with all its imperfections; but these, he hoped, might be got rid of.

Lord *Auckland* spoke generally in favour of the bill; the principal object of which, the securing the residence of a clergyman in every parish, he had greatly at heart.

Earl *Fitzwilliam*, though friendly to the principle and object of the bill, adverted to some parts of it, which he seemed to think very objectionable, and which should be matter for serious future consideration.

The Bishop of *London* shortly explained; after which the question was put, and the bill read a second time; and, after a short explanatory conversation between the right rev. prelate, the lord chancellor, and lord Walsingham, was committed for Thursday.—Adjourned.

HOUSE OF COMMONS.

Monday, June 10.

[MINUTES.] Lord J. Thynne brought in a bill for the better recovery of small debts in the city of Bath; which was read a first time.—Mr. Whitbread moved for an account of the date of the warrants of the treasury which were laid before his majesty on the 29th of May, 1800, respecting the deficiencies in the account of the late Adam Jellicoe, esq. as also the names of the persons to whom the said treasury warrants were issued. Ordered.—Mr. Whitbread also moved for an account of the balances in the hands of the receivers-general of the Excise upon each quarter, from the 5th of January, 1793, to the 5th of January in the present year; also the names of the persons in whose hands the said balances remained. The hon. member also moved for an account of the names of those persons in whose names navy, victualling, and transport bills had been funded in the years 1794, 1795, and 1796, for sums exceeding the value of 20,000l. Those several accounts were then ordered.—A person from the bank, pursuant to the order of the house, presented an account of the unclaimed dividends; which was received, and ordered to lie on the table.—The Expiring Laws bill, the Loyalty Loan bill, the Irish Militia Pay and Clothing bill, the Lottery bill, and the bill for regulating the Fees of Offices in Ireland, were severally read a second time, and ordered to be committed for to-morrow.—Lord A. Hamilton moved for, and obtained leave to bring in, a bill for the purpose of altering and amending the corn laws which were past in the course of last session. He considered the average prices therein stated to be much too high, and particularly such as related to Scotland.—An account was ordered of the quantity of Herrings cured in the Isle of Man, and sent from thence into this country for exportation from the year 1790 to the last year.—Upon the report of the committee to whom the petition of the London Docks Company was referred, leave was given to bring in a bill for granting the sum of 60,000l. to the said company for the completion of the said docks.—Colonel Craufurd moved for a weekly return of the men raised under the additional force act, from the 5th of April last, to the latest period. Ordered.—Mr. J. Fitzgerald moved for an account of the Irish Debt redeemed in England, to the 5th of February last. Ordered.—Sir W. Young moved, that the order of the day for the second reading of the Woollen Manufacturers' bill, should be postponed till Thursday next. Admiral Berkeley gave notice that he should on the same day move for continuing the bill for the suspension of penalties which passed in the last session. Mr. Peter Moore stated, that this business had been three years under the consideration of the house, that it was a subject of the utmost importance, as it affected the livelihood of above 100,000 industrious men, who had served a 7-years apprenticeship, and whose exertion had in the mean time raised a contribution of above 20 millions sterling from the continent of Europe. They would lose the entire value of their long service, if persons were to be allowed to work who had not served a similar apprenticeship. After some farther conversation between sir Wm. Young, admiral Berkeley, and Mr. Moore, admiral Berkeley moved for, and obtained leave to bring in, a bill of the nature he had stated.

[DUKE OF ATHOLL'S CLAIM.] Mr. *Creevey* rose to remind the house, that he had, some time since, moved for an account of the balance in the hands of the collector of customs in the Isle of Man, and the reasons why the said balances were not paid into the treasury, as by law required. An order was then made, from a return to which it appeared that a balance had been accumulating in the hands of the collector for three or four years past, the amount of which, on the 7th of Feb. last, was near 20,000l. and the reason pleaded for not paying it in was a letter from the secretary of the treasury, directing the collector to hold over the balance. He therefore signified his intention to move for a copy of that order, with the name of the secretary who signed it.

Mr. *Hiley Addington* immediately rose, and said, he was glad that he happened accidentally to be in the house when the hon. gent. signified his wish; and as the order alluded to had been issued while he was secretary to the treasury, he would, to the best of his present recollection, explain the circumstance. In the autumn of 1801, shortly after the previous change of administration, the noble duke (of Atholl) presented a memorial to the lords of the treasury, upon the ground of his claims on the Isle of Man, which memorial had been referred to the law officers of the crown; shortly afterwards the noble duke had called upon him, to request that the business of his memorial might be expedited, as much as possible, through the hands of those officers; and at the same time made a request, that an order might be sent to the collector of customs in the Isle of Man, to hold over the balances then in his hands, and which then amounted to no more than 4000l. In compliance with the request of the noble duke, and not apprehending any interference with the letter of an act of parliament, which directed the collectors to pay their balances, from time to time, into the treasury, he did write a letter to the collector to retain in his hands the balance he then had, until further orders. He hoped the house would acquit him of having written that letter with any wrong intention. It often happened, of necessity, that the secretary of the treasury did issue letters on several occasions, without waiting a regular order for that purpose, but he never could have supposed that the collector would use that letter as an authority for retaining in his hands the successive balances of four years, otherwise he would certainly have represented the matter to the lords of the treasury, who would doubtless have recalled that order.

Mr. *Curwen* said, it would be directly contrary to all he had known of the right hon. gentleman, to suppose for one moment that he could be voluntarily privy to any sinister transaction. The circumstance, however, was another strong proof of the necessity of enquiry into the affairs of that island with the utmost minuteness. He concluded by moving, "that the committee on the duke of Atholl's petition be revived, and that the said collector be ordered to attend the same." Ordered.—Adjourned.

HOUSE OF LORDS.

Tuesday, June 11.

[MINUTES.] Their lordships, pursuant to the order of the day, resolved into a committee of privileges; and lord Walsingham having taken the chair, Mr. Plomer was heard as counsel, at some length, in support of the claim of the duke of Rutland, to the Roos barony. After which, the committee deferred the farther consideration of the case till Friday.—The various bills upon the table were forwarded in their respective stages; among these, the Army Pay-Office Regulation bill, the West-India Free Ports, the Post Horse Duty Farming bill, and the Public Accountants' Audit bills, severally passed committees of the whole house, without amendment, and were afterwards reported.—Lingham's Divorce bill also passed through a committee; but receiving an amendment on the motion of lord Auckland, the report was ordered to be made to-morrow.—Lord Walsingham, (in the absence of the marquis of Abercorn,) moved that the committee of the whole house do proceed farther to-morrow in the consideration of the case of Mr. justice Fox; and that the counsel be called in at half past two o'clock, and their lordships summoned on the occasion, which was ordered accordingly.—Adjourned.

HOUSE OF COMMONS.

Tuesday, June 11.

[MINUTES.] Sir W. Curtis brought in the Port of London Improvement bill, which was read a first, and ordered to be read a second time to-morrow.—The Spanish Red Wine Duty bill was read a third time and passed.—A person from the Bank of England presented, as moved yesterday by Mr. Whitbread, a return of the navy money issued from the Bank, with a list of the names in which the same were drawn, together with the amount of the respective sums. Ordered to lie on the table.—The Loyalty Loan, the Subaltern Officers, the Militia Adjutants and Serjeants Major, the Lottery, the Assessed Taxes Commissioners, and the Irish Militia bills, went through the committee stages, and were ordered to be reported to-morrow.—The Dublin Police bill went through a committee. Ordered to be reported on this day three weeks, and to be printed.—Mr. Moore presented a petition from the city of Coventry, congratulating the house on their proceedings respecting the Tenth Report of the Naval Commissioners; see vol. iv. p. 846. Ordered to lie on the table.—Mr. Rose brought in a bill for the better employment of Seamen engaged in the Coast Trade, which was read a first, and ordered to be read a second time on Thursday next.—The Southern Whale Fishery bill was read a third time.

[IMPEACHMENT OF LORD MELVILLE.] Previously to the moving the order of the day on Mr. Whitbread's motion for the impeachment of the right honourable lord viscount Melville,

The *Speaker* rose, and addressed the house in the following words: I hold in my hand a letter which I am desired to communicate to the house. It is signed "Melville," and dated Wimbledon, June 11. The contents of this letter are these: "sir; having observed, in the votes of the "house of commons, that a committee has "been appointed to consider of the tenth "report of the commissioners of naval "enquiry; and having obtained a copy of "a report which that committee has sub"mitted to the house of commons, I "take the liberty of requesting that the "house will allow me to be admitted, and "heard on the subject of those reports. I "have the honour to be, sir, with great "respect your most obedient and faithful "servant, Melville."

Mr. *Robert Dundas* (son of lord Melville) then observed, that in consequence of the notice which he had formerly given, he would move that lord viscount Melville be admitted into the house to be heard in his own defence according to his request.—The question was put and carried in the affirmative without a dissenting voice.

The *Speaker* ordered the serjeant at arms to attend with the mace at the door, and to inform lord Melville that he might come in. His lordship, who was in waiting, immediately entered, and advanced within the bar, where there was a chair placed for his reception. The speaker said—"there is a chair for your lordship to repose on."—After sitting down for a few moments,

Lord *Melville* rose and spoke as follows:—Hitherto every attempt I have made to be heard in explanation or vindication of my own conduct and character, brought in question by the tenth report of the commissioners of naval enquiry, has been in vain; and, therefore, it is my earliest duty to make my acknowledgments to this house, for that privilege having been at last conceded to me. Under these circumstances, it might be unbecoming in me, in this place, to call in question the justice of any of your proceedings which have already taken place. If, therefore, before making any observations on the report now produced by your own committee, I offer some preliminary considerations, it is only from an anxious hope of being able to satisfy you, that whatever considerations may have guided the wisdom of the house in their past proceedings, it is essential to the ends of justice, that before deciding on this report, now in my hands, you should give a patient and dispassionate hearing to the considerations I wish to offer.—I shall, therefore, begin by shortly stating the different modes in which I have attempted to obtain this indulgence. I was examined by the commissioners of naval enquiry, without the knowledge of the objects of investigation, and while they were in possession of the whole of Mr. Trotter's accounts with Messrs. Coutts and Co. It is on the items scattered throughout the pages of those accounts, that their observations on my conduct are made, and from which their conclusions are chiefly drawn; but, when I was before them, not one item of those accounts was shewn to me, or explanation asked concerning any one of them. In fact, the first time I ever saw them, or knew that such accounts existed, was when I read them in the tenth report.—I am bound to suppose the commissioners conceived a reserve of this nature to be necessary to the objects they had prescribed to themselves in pursuing the enquiry entrusted to them. I shall not, at present, stop to examine into the justice of that mode of proceeding. I mean barely to notice the fact, in illustration of the assertion I have made; that this is the first moment I have been permitted, in any shape, to offer any explanation on the subject of those resolutions which have been enrolled on the journals of this house, and from thence have found their way to the foot of the throne.—With the same view, I allude to my letter, of the 28th of March last, to the commissioners, after the report made its appearance, (see vol. iv. p. 186).—As the fact appears on the proceedings of this house of the 8th of April, I need not remark, that another opportunity was denied to me by its decision on the question of instituting an enquiry before proceeding to decision.—My letter to lord Hawkesbury is another proof of what I have asserted, and this house is acquainted with the result communicated in the conference between the two houses of parliament, by which the hopes I had entertained of some kind of explanation being opened to me, were precluded, and your committee reduced to the necessity of making their report, without receiving explanation from me in any one particular. This was a consequence resulting from the decision of this house on the 8th of April; for, if the criminating resolutions of that day had not been passed, previously to enquiry, there would have been no bar, from the privileges of the house of lords, to have induced them to restrain me from being examined before the committee. The terms in which I addressed the lords, in my letter to lord Hawkesbury, is a proof that no exertion was omitted by me that could tend to get over the difficulty. "Wimbledon, 6th May, 1805. My "lord, I observe that, on the message "from the house of commons, desiring my "attendance to be examined by a com-"mittee of their number, your lordship "has started a difficulty, founded on a "standing order of the house of lords. "I certainly was not aware that such a "standing order existed, and had taken "for granted, that the licence of the "house, to my attending the committee "of the house of commons, would have "been given as a matter of course. On "a question of privilege, originating in "the manner this was done, your lordship "will readily perceive the reasons which "render it impossible for me to take any "part; but, I trust, I am guilty of no im-"proper intrusion, when I put your lord-"ship in possession of my own anxious "wishes, that, if possible, the difficulty "may be got over, and that I may be at "liberty to act upon my own feelings, "which, notwithstanding the singular cir-"cumstances in which I am placed, urge "me most earnestly to express my hopes, "that I shall not be debarred from giving "my attendance on the committee of the "house of commons, as requested in the "message from that house. In stating "these sentiments to your lordship, you "will, of course, understand yourself at "liberty to make any use of them you "may think proper. I have the honour "to be, &c. (Signed) Melville."—I cannot conclude this subject, without adverting to another proceeding of this house which has likewise tended, in a very material degree, to limit the means of any explanations being given, which could remove any of the imputations which have been cast upon me. I allude to the resolution of the 29th of April, directing the attorney-general to institute a civil suit, for the recovery of any profits made by Mr. Trotter or myself from the monies issued for naval purposes. I can know nothing with accuracy that passed in this house when this resolution was adopted; but if I am to give credit to those channels of information which are connived at in the daily publications, which are more or less perused by all of us, I am to understand it to have been stated in argument, that if the measure suggested in that resolution was adopted, there could be no further proceeding against me in any other mode. Upon this ground it was opposed, by those who are not supposed to have any particular partiality towards me. With the recollection of this in my mind, I may be perhaps forgiven, if I expressed some degree of surprise, when I heard of the intimation given of an intended motion of impeachment. It was not, however, to make this remark, that I have adverted to this resolution; I allude to it for the purpose of observing, that the delicacy of your committee to Mr. Trotter, joined to their not having it in their power to examine myself, has certainly tended to deprive me of the benefit of any elucidation that might have arisen from a more minute examination of the subject. Mr. Trotter is not interrogated as to any of the supposed participation which has been stated to have taken place between him and me, neither is he asked, whether he was directed by me to lay out any public money for my benefit; nor is he examined as to my privity, or knowledge of any of those various modes of using the public money, stated in the twelfth and thirteenth resolutions of the 8th of April.—I have been the more pointed in bringing these particulars to the recollection of the house; because, by some strange perversion of the truth, an insinuation has reached me, that I had omitted, till this last stage of your proceeding, to take any measures for my own vindication. The direct reverse is the fact.—And even now, I find myself placed in a very awkward situation. Understanding that, in consequence of the general intimation some time ago given in this house, of my desire to be heard in person, new difficulties had been started in another place, I again addressed myself to lord Hawkesbury, by a letter, in the following terms: "Wimbledon, 7th June, "1805. My lord; having reason to be"lieve, that, in consequence of a report "made to the house of commons by a "select committee, discussions are likely "to take place in that house, on which I "may be desirous of being heard in ex"planation and defence of parts of my "conduct, I am anxious to obtain the "permission of the house of lords to at"tend the house of commons for that pur"pose, if I should think fit. In my "former letter to your lordship of the 6th "instant, I expressed to you, as strongly "as I could, my anxiety to be afforded "some means of removing the imputa"tions which had been laid to my charge, "and since that time many circum"stances have occurred to increase that "anxiety, and I entreat your lordship "to give your best assistance to for"ward the object of my present re"quest. I have the honour to be, &c. "(signed) Melville." To the lord Hawkesbury. And the resolution of the house of lords is conceived in the following words: "Resolved, that the lord viscount "Melville have leave to go down to the "house of commons, and to defend him"self there, if he shall think fit, on all "points on which the house of commons "have not previously passed any accusa"tory or criminatory resolutions against "him."—Circumscribed as I am by this resolution, I know I am not at liberty, even with your indulgence, to defend myself against any of the resolutions of the 8th of April last; and therefore, if inadvertently I should drop any thing that may be so construed, I hope it will be understood that it is not with an intention to arraign in this place the justice of those resolutions, but with the view of being certain that I understand, and do not misrepresent them. The resolutions of the 8th of April are fourteen in number, (see vol. 4, p. 275,) to which another was added on the 29th, viz. "that the attorney-general be directed to take such measures as may appear to him to be most effectual in due course of law, for ascertaining and recovering any sums of money that may be due to the public from lord viscount Melville, or Alexander Trotter, esq. in respect of any profits derived by them from monies issued for naval purposes, and that may have come into their hands subsequent to the first day of January 1786." The twelfth, thirteenth, and fourteenth are chiefly deserving of attention, the previous ones being merely statements of facts, which of themselves could not have attracted any notice.—The twelfth resolution contains a statement of a variety of positions, apparently meant to lay the basis for the conclusion drawn in the fourteenth resolution. From the terms of the twelfth, I am left somewhat doubtful, whether it was meant to apply to me personally. But as I cannot suppose it possible that the house of commons could intend to leave it ambiguous, whom they meant to charge with criminality, I must take it for granted that I am implicated in it; and I am the more confirmed in this supposition, from having observed the comments which, in other places, have been lavished, without any reserve, upon that resolution, and those comments often made by persons, who being members of parliament, were, I presume, of course, properly informed, and competent to judge of the object of the resolutions which the house of commons had adopted. In order, therefore, to ascertain the full extent of the charges contained in the twelfth resolution, it must be coupled with, and taken in conjunction with the thirteenth; and the joint import of the two resolutions is, that "Mr. Trotter did, at various times, "under pretence of naval services, and by "a manifest evasion of the act, draw from "the bank, and invest in exchequer and "navy bills, and lend upon the security "of stock, and employ in discounting "private bills, and in the purchase of bank "and East India stock, large sums of pub"lic money for the purposes of private "emolument, and in doing so, he acted "with my knowledge and consent, being "my private agent." And although the charge does not expressly say so, it certainly concludes in such a manner as must leave a full conviction on the mind of every reader, that "Mr. Trotter, so "acting as my private agent, did occa"sionally lay out ten or twenty thousand "pounds in those transactions, for my "use and benefit." Upon this charge I must, in truth and justice to myself, solemnly assert, before this house, and in the face of my country, that it is erroneous in every particular. I never knew that Mr. Trotter had drawn any money, for the purposes of private emolument, in manifest evasion of the act. I never knew that he had invested any money in exchequer or navy bills. I never knew that he had lent upon the security of stock. I never knew that he had employed any money in the discount of private bills. I never knew that he employed any public money in the purchase of bank or India stock. Having disclaimed all knowledge of these transactions, it is scarcely necessary to add, that if any such existed, they were not, as stated, with my privity and consent; neither have I the smallest knowledge or belief, that Mr. Trotter ever did lay out, for my use or benefit, in any such modes, any sum of public money whatever.—Having, in so pointed a manner, disclaimed all knowledge of any of those transactions detailed in the twelfth resolution, I need not stop a moment to express the indignation I must have felt, when I found that not only that knowledge was imputed to me, but that, with a view to give the colour of probability to the insinuation of personal profit arising from such transactions (for no man ventured to advance it as a charge) it was even surmised, that Mr. Trotter had, in the execution of those transactions, enjoyed the benefit of my confidential knowledge of the secrets of government.—I am aware, that, notwithstanding all I have represented, my statement would still be deficient, if I were to pass over in silence a charge, which, if not credited or adopted in this house, has certainly, through the medium of your resolutions, made its way to almost every corner of the kingdom; and it must be within the knowledge or observation of every man, that no pains have been spared, no means neglected, to gain proselytes to the belief of this charge. You will anticipate me, when I mention that of my having been a participator in the profits which Mr. Trotter is supposed to have made from the public money that has passed through his hands. This is a charge which I had positively denied, before you passed the resolutions of the 8th of April; and if a question to this effect had been put to Mr. Trotter, in any shape, since that insinuation was made, either in the tenth report, or any where else, I have reason to know, that he would have embraced the "opportunity of contradicting, in the most unequivocal and unqualified terms, the malignant invectives against my character, founded on the assertion, that I had, directly or indirectly, participated in any of the emoluments he may have derived from the use of the money imprest for naval services and entrusted to his charge, and that I never was, at any moment when he served under me, in the knowledge either of the nature, extent, or application of those emoluments."—I am at a loss to conjecture, whether, notwithstanding such direct and solemn assertions made by those who alone can be informed of the truth, this calumny is still to be believed and circulated. But there is one fact in refutation of it, which cannot fail to carry full conviction to the mind of every man, if that upon which it rests is not disbelieved or disapproved. I allude to the circumstance of which (in the midst of the loudest clamours against me) a denial has never been attempted, that every sum advanced to me by Mr. Trotter, in any shape, or on any account, has been repaid to the uttermost farthing, and that I am not indebted upon the treasurership in question, in one single mite, either to him, or to the public. Is this reconcileable with the idea of participation? The term supposes receipts, arising out of a joint concern, upon which profits have arisen and are divided, and of course excludes the supposition of any restitution; and I should trust, that this observation must for ever silence those who have been the most active in the propagation of this aspersion.—Not only in the resolutions upon which I have been observing, but in other modes and in other places, my connection with Mr. Trotter, as my private agent, has been so often alluded to, and its having been insinuated for the most malevolent purposes, that my connection with him was so intimate, as to procure for him a communication of the confidential transactions of government, I trust it will not be deemed foreign to the purpose of my attendance in this house, if I detain gentlemen a few minutes on this subject.—When I came into the navy pay office I found him there, having been introduced to it, as I understand, in consequence of his relationship to the late sir Gilbert Elliot and Mr. Coutts. He was, from these connections, countenanced by Mr. Douglas, the paymaster, and occasionally with me in the course of official business. But he attracted my particular notice, by his zeal in pointing out to me the many means that were used to deprive the seamen and their families of the full amount of what they were justly entitled to. He was encouraged by me to prosecute those enquiries, and I was indebted to him for many of those suggestions, which enabled me, during the time I was treasurer of the navy, to propose to parliament, and place upon the statute book, that system of regulations and arrangement, which has since given complete security, comfort, and protection, to every person, of every rank in the military service of the navy, and after their deaths, has extended the same benefits to their widows and children.—These circumstances naturally increased my favourable dispositions towards Mr. Trotter, and I selected him for the office of paymaster on the death of Mr. Douglas. In consequence of this he was in the receipt of my salary, and being constantly, from his situation, near me, he became naturally the channel, through which I had it in my power to conduct many inferior transactions relating to my private affairs. —The following is a copy of the power of attorney, by which, as treasurer of the navy, I authorized Mr. Trotter to draw the money from the bank of England: "Know "all men by these presents, that I, the "right hon. Henry Dundas, treasurer of "his majesty's navy, as well within Great "Britain as without, have nominated, con-"stituted, and appointed Alexander Trot-"ter, esq. my paymaster, hereby giving "and granting to him full power and au-"thority to draw on the governor and com-"pany of the bank of England, for and "upon my account, as treasurer of his ma-"jesty's navy, all and every sum and sums "of money that now are, and shall here-"after be wanted for the public services, "under my care of payment, he being "particularly careful to specify in each and "every draft the service for which the mo-"ney is drawn."—Such is the short history of the origin and progress of Mr. Trotter's connection with me in business, either public or private; and whatever cloud may now hang over him, and however some parts of his conduct may have recently brought upon me much disquietude and anxiety, I shall never refuse to him the justice of acknowledging, that, under his management, the pay office of the navy was conducted, for a period of fourteen years, without one payment being a moment delayed at the treasurer's office, and an account of not less than one hundred and thirty-four millions sterling has been closed, without the loss of one farthing having arisen to the public during the whole of that period.—I now proceed to the fourteenth resolution, which is in the following words:—"That the right hon. lord vis-"count Melville, having been privy to, and "having connived at the withdrawing from "the bank of England, for the purpose, "as stated by lord Melville, of private "emolument to Mr. Trotter, sums issued "to lord Melville as treasurer of the navy, "and placed to his account in the bank, "according to the provisions of the 25th "Geo. III. cap. 31, has been guilty of "a gross violation of the law, and a high "breach of duty."—Before examining the justice of the conclusion drawn in the end of this resolution, it is essential to understand the fact on which it is grounded, and which I am certain is altogether misunderstood. It is assumed, and my own authority quoted for it, that I was privy to the withdrawing from the bank of England, for the purpose of private emolument to Mr. Trotter, sums issued to me as treasurer of the navy. If by these words it is meant to convey, that Mr. Trotter had any power or authority from me, to draws sums indiscriminately from the bank for his own use or emolument, I deny that I was privy to any such transactions. I deny that I ever said so, and I affirm, there is no evidence to justify such an assertion. But if it is meant to state, that after the money was drawn by assignments, under the authority of the competent boards, it was illegal to put it into the custody of Mr. Coutts, instead of putting it in the iron chest, or in the hands of the respective sub-accountants, I am yet, after all I have heard, to learn, that in doing so, the act of parliament was violated.—That an indiscriminate power of drawing from the bank was given by me to Mr. Trotter, I conceive, cannot be alledged by any person who attends to the real import of my evidence.—The first question put to me on this subject, by the commissioners of naval enquiry, was in the following words:—"Did you authorize the paymaster, in or "about the year 1786, to draw the money "applicable to naval services, from the "bank, and lodge it in the hands of a pri-"vate banker?" My answer was:—"I "cannot precisely fix the time; but I am "certain that I did permit Mr. Trotte "to lodge any money drawn from the "bank, for public purposes, in his private "banker's hands, during the period it was "not demanded to the purposes for which "it was drawn." The plain import of this answer is, that when the money was legally, and in terms of the act of parliament, drawn from the bank, I permitted Mr. Mr. Trotter to lodge such balance of the money assigned, as was not called for by the person or persons entitled to receive it. But there is not a syllable in the answer, to import that I gave Mr. Trotter authority to draw from the bank, for his own private emolument, any sum that had not been assigned or drawn in terms of the provisions of the act of parliament.—This proposition, which I aver to be the meaning of my answer, is made still more clear in an after part of my evidence. The commissioners put a question to me in the following words: "As the money applicable to naval ser-"vices was directed to be lodged in the "bank, by the act of 25 Geo. III. cap. 31, "and not to be drawn from thence without "specifying the services for which it is "drawn, by what authority did you give "permission to the paymaster of the navy "to draw the money out of the bank, "and lodge it in the hands of private "bankers?—From the terms of this question it struck me, that the commissioners were proceeding on the same mistake as that which seems to be countenanced by the general words made use of in the fourteenth resolution; I therefore immediately rectified their error by my answer, which is in the following words: "I take it for "granted, it always was drawn under the "heads of service pointed out in the act "of parliament; and when I talk of per-"mission, I mean it under the explana-"tion contained in the answer to a former "question, in which I suppose the money "drawn under competent authority."—From this plain statement I feel myself authorized to repeat the assertion I have already made, that this resolution, adopting the general terms it has done, assumes and proceeds on a fact not warranted, either by the truth of the case, or by the evidence contained in the tenth report of the commissioners of naval enquiry; and I must here be permitted to add, that the assumption in the fourteenth resolution, of the fact to which I have adverted, came upon me with the more surprise, as, in the report of the commissioners, they have distinctly stated the import of my evidence to be what I have now explained. The passage to which I allude is in the tenth report (see vol. 3, p. 1160,) and in the following words: "Lord Melville states, "that he certainly did permit Mr. Trotter "to lodge any money drawn from the bank, "for the public purposes, in his private "banker's hands, during the period that "it was not demanded for the purposes "for which it was drawn; but it is to be "inferred from his evidence, that he in-"tended Mr. Trotter to draw upon the "bank for the amount only of the assign-"ments made on him by the different "boards (an account of which is furnished "to him daily), and that the balance of "such sum, till demanded, should alone "be lodged by Mr. Trotter in the hands of "his private bankers."—Having thus ascertained the fact as it truly stands, the next consideration is, what is the act of parliament, which, according to this state of the fact, the resolution affirms to be violated? I contend, that there is not one clause of the act prohibitory of the permission to lodge assigned money in the hands of a private banker, till the money so assigned is applied for by the person entitled to it. I hope I state my proposition distinctly, and desire it to be adverted to, that the point I at present discuss is altogether unconnected with the question, what use was made of the money when so lodged? That is a separate question, and they ought not to be blended together. I am now, in this part of the discussion, examining the truth or falsehood of a proposition, whether there is any thing in the act of parliament to prohibit lodging the balance of assigned money, till called for, in a private banker's hand. Suppose the case, that instead of lodging the money of the description I have stated in a private banker's hands, the practice had been to open a separate account in the bank of England, for the deposit of such assigned money, till called for: I would ask, whether this would be a violation of the act of parliament? Nobody would have contended, that in such an arrangement, the treasurer of the navy would have violated either the letter or spirit of the act in any one respect, or that he would have met with the smallest blame from any quarter in exercising that discretion, whereby he would be enabled to draw out the assigned money from the separate account, without having recourse to the general account raised in his name, in terms of the provisions of the act of parliament. And yet, if the proposition is true, that no draft could be made, except on the general account raised at the bank in the name of the treasurer, the violation would equally exist, in the supposed as in the real case.—The error of the opposite argument consists in supposing, that the object of the act of 1785 went to an extent in its provisions, beyond what was ever in the view of those who proposed it, or of the legislature which passed it. It was not a law intended to embrace all the regulations, which it might be expedient, either by legislative provisions, or by official arrangements, to establish, for the conduct of that great machine, which has now become necessary for the regular payment of the naval service. The single object which the act had in view, was to convert the treasurer's account from a personal to an official account, and thereby to obviate an abuse which had been so much complained of, whereby ex-treasurers of the navy had large balances in their hands, and remained great public accountants, many years after they were out of office. To this object its provisions are complete, and have been accurately complied with; but, if you expect to find in that act such a digest of regulations, as to exclude, in the management of the office, the discretion of the treasurer as to many parts of his duty, you will search in vain. Even that arrangement, which has of late been so much the subject of discussion, I mean the establishment of a fixed salary to the treasurer, in place of his former emoluments from the use of the balance in his hands, is not provided for or regulated by this act of parliament. That was done by the terms of his patent, several years before the act of parliament existed.—The observation I have just made will appear the more forcible, if gentlemen will take the trouble of referring to the act which passed in 1783, for regulating the office of the paymaster-general of his majesty's land forces. It repeals an act which had been passed on that subject in the preceding session, and enacts a new code and system of regulations, amounting to no less than thirty-nine clauses, and embracing minutely every circumstance connected with the business of that office. Is there any such system of regulation contained in the act now under consideration? Certainly not. It is a short act, of twelve clauses, confined to the only immediate object at that time in view, viz. what I have already expressed, the converting the treasurer's account from a personal to an official one; but not regulating, or professing to regulate, the whole conduct of that department.—Not adverting to what I have just observed, I cannot help conceiving that gentlemen mislead themselves, by assimilating the navy pay office, in a great degree, to the army pay office, and supposing that, in all respects, the one has been regulated, or can be regulated, by the principles of the other. In this they are totally mistaken. The navy pay office is to the navy, what not the army pay office alone, but the army pay office, with the addition of army agents, of colonels of regiments, of barrack-masters, and other subordinate accountants, is to the army. The army pay office issues gross sums, to be subsequently distributed by persons holding no situation in the office. The navy pay office makes the minutest individual payments: the fraction of a single seaman's yearly pay, or the quarterly allotment of a seaman's wife. It may be practicable to make all army payments by specific drafts to individuals; but it is impossible, with regard to the navy payments, many of which are for such small sums. I have been informed, that in twenty-six days of the month of January last, the payments amounted to six thousand four hundred and two in number; of which no less than three thousand two hundred and seventy-eight were of sums under twenty pounds; and one thousand eight hundred and ninety-four, in sums from one pound eight shillings to ten shillings and sixpence. Again, as to wages, there were recently, if I am accurately informed, not less than six thousand eight hundred ships' books open in the pay room of the office, upon any one of which, at any hour, a call might be made for the wages of any seaman who might happen not to have been present at the payment at the out-port, for the money due to him for four or five years, or as many months service.—No person will contend, that in the cases referred to, it is possible to carry on the business of the department by specific drafts, in favour of the respective individuals, and I understand the impossibility has been distinctly admitted. But is it possible, consistently with this admission, not further to admit, that it could not have been in the contemplation of the act of parliament, by minute provisions, to regulate the whole conduct of the office, or to alter the whole former practice, by a few provisions, directed to the single object of altering the nature of the treasurer's account? If such had been the view of those who proposed this act, is it possible that some clause or clauses would not have been introduced, to explain that the general expression of drafts did not mean to imply specific drafts, in payment of individuals, of such sums as those which I have just referred to? This subject was left, as it formerly had been, to the discretion and official arrangement of the treasurer, on such principles as might be most expedient and practicable for conducting the business of the office. It is sufficient, for the purpose of my present argument, to contend, that the expression of drafts, in the language of the act of parliament, neither did nor could mean, specific drafts, in the name of each individual entitled to receive the sum drawn for.—In like manner I contend, that an authority derived from any of the competent boards, in the shape of one or more assignments upon the treasurer, did not render it necessary in the payment of such assignments, that it should be done by specific drafts, in favour of the person entitled to receive it. In the sound construction of the act of parliament, the sums authorized by the assignments were fairly and legally drawn, from the moment the assignments were made, nor did it make any difference in the execution of the act, whether the sums assigned were drawn from the bank in one draft or in ten drafts. Put the case, that ten, or any given number of the holders of assignments, had intimated a wish to receive their payment at the office, or at Messrs. Coutts's on a particular day; it surely could not be maintained, that the paymaster of the navy was debarred from gratifying them in that wish, or that he was guilty of an illegality, if he made the payment agreeably to the mode suggested by themselves.—It becomes still more difficult to believe, that any such alteration was intended by the act, when it is recollected, that the subject was brought distinctly under the view of those who passed the act in question; and yet no such prohibition, as now supposed, was either directly or indirectly inserted in the act. It has been repeatedly stated, and it is true, that the act of parliament originated in the report of the commissioners in 1782. These commissioners, speaking of the difference between the treasurer's statement of the balance in his hands on a given day, and that of the navy board, say: "This "difference lies in the cashier's and victualling branches, and arises from the "following cause. When the boards assign bills upon the treasurer for payment, "they immediately give him credit for "those bills in his account kept at their "offices; but the treasurer does not himself take credit for any bills in his own "account till he actually pays them. The "persons who receive these bills do not "always immediately present them to the "treasurer for payment, but frequently "keep them in their possession for a considerable time. The treasurer's balance "must therefore exceed the navy balance, "as much as the sum of the bills assigned "upon him for payment exceeds the sum "of the bills actually paid by him. We "conceive this excess is not money for "which the treasurer is accountable to "the public, but belongs to the proprietors "of those bills, and remains in his hands, "at their risk, until they apply to him "for payment."—In these words, the existence, nature, and consequences of the assignments not called for, are distinctly and accurately pointed out; and is it possible to conceive, that if this act of parliament had meant to make any provision respecting these assignments, it would not have been done, in some such plain and precise manner, as to exclude all doubt upon the subject? It would not have been left to doubtful implication or construction of the act, which has already, in the case of small payments, been clearly proved, not to mean generally specific drafts to individuals, as contended for in that construction of the act which I have endeavoured to refute. It will be clearly understood, that in the argument I have stated, I only contend that the act of parliament had not this point in contemplation, and therefore it is unwarrantable to argue, or to resolve, that it has been violated, by any practice which has taken place in the navy pay office during my treasurership.—Before quitting this subject, I must not omit to observe, that the practice of lodging naval money in the hands of Messrs. Coutts continued for two years after I was out of office, and that it was altered ultimately by Mr. Bathurst, not on a clear decision formed by him of its illegality, but because he thought it expedient; and the doubts entertained by lord Harrowby, during his treasurership, arose from conceiving, that the practice was inconsistent with the spirit, if not with the letter of the law. I do not mean to insinuate, that they were aware of the money being again withdrawn from Messrs. Coutts, for the purpose of private emolument to the paymaster. My observation only goes to the point of stating, that the abstract proposition of the illegality of the practice of lodging assigned money in the hands of a private banker had not occurred to those able men, in the strong light it has been resolved with regard to me, otherwise the continuance of it would not have been tolerated for two years after the treasurership of the navy had passed into their hands.—And this leads me to another topic, to which I feel myself warranted to summon the attention of the house, under the circumstances in which I am placed. I have given my reasons in detail, why I contend that the act of parliament has not been violated in any shape; but I submit it to your justice to consider, how far I am, for the object of my present attendance, under the necessity of arguing my proposition to the full extent I have stated. A law may be violated without being grossly violated, and a breach of duty may be committed without warranting the appellation of a high breach of duty. My arguments may have failed in convincing you, that my construction of the act is the true one, and you may remain of opinion, that its provisions extended to objects, which I contend were never within its contemplation. I can only say, that my judgment continues unaltered, and that I never had even conceived the doubt as to the meaning of the act, till the period of the late discussions, from which I am certainly bound to doubt my own opinion, when it differs from others whose talents I sincerely respect; but I cannot carry my acquiescence so far as to admit, that an error of judgment, resting upon the grounds I have stated, ought to have subjected me to such criminating resolutions, as those which this house recorded on the 8th of April last.—Having endeavoured, as clearly as I can, to explain to the house the grounds on which I contend that no illegality is imputable to me, on the subject of drawing from the bank the sums assigned by the competent boards, you will immediately perceive the nature and extent of the benefit which I conceived the paymaster might derive, from lodging the money, thus drawn from the bank, in the hands of Messrs. Coutts. I have already adverted to the transactions referred to in the twelfth resolution, and denied the imputation contained in that resolution, of my being privy to those transactions My impression, with regard to any benefit the paymaster might derive from the money lodged in Messrs. Coutts's hands, was simply this. I conceived it to arise from an understanding between him and the partners of that house, as to the advantage they might respectively derive from the customary use of money while in their hands, and such an arrangement between them, I know, could not prevent the paymaster from drawing, at any moment, from Messrs. Coutts's house, any sum requisite for the discharge of any claim to which that deposite money was liable.—I beg not to be understood as stating, that I entertained this idea from any actual information I had on the subject; but the impression naturally arose in my mind, from knowing such to be the practice universal in similar cases, not only with the public banks, but all banking houses in another part of the kingdom; and it is only within these three months, that I have been made aware of the mistake, by the perusal of a memorandum, written by Mr. Coutts, the principal partner of that house.—This is a precise state of the case and of the impressions I had of it: and when I did not interpose, to prevent the paymaster's enjoying such emoluments, I did not conceive myself to be infringing any act of parliament, nor did I feel that I was incurring, either for the public or myself, the smallest degree of risk, or exposing the business of the office to any inconvenience whatever. I beg leave further to remark, that although I never held out this species of advantage as an established emolument of the office of paymaster, or one which I might not have put an end to at any moment I found it expedient to do so, I certainly never felt it to be a clandestine or mysterious arrangement.—Of this I cannot give a stronger proof, than by referring to a fact mentioned in the tenth report of the commissioners of naval enquiry. I mean the suggestion made by former commissioners, in the year 1786, in which they recommend an augmentation of the paymaster's salary from 500l. to 800l. per annum. But although, from the increase of business which the different acts of parliament had imposed upon the clerks and other officers of the navy pay office, I had been obliged to revise the establishments, and recommend to his majesty in council to make very considerable additions to their salaries, I did not recommend, that any such should be made to the paymaster, under the impression that, in the manner I have stated he must derive advantages, which rendered it unnecessary to burthen the establishment with an additional salary to him. In fact, no such addition was made till the year 1800, a short time before my leaving the office, when a still further increase of business having been thrown upon the persons doing the duty of the navy pay office, in consequence of the adoption of many new and beneficial regulations, which since the former period had been added, it became necessary again to revise the establishment, and attend to their earnest representation for an augmentation of their allowances. Then, for the first time, was the augmentation to the paymaster's salary adopted; which had been recommended by the commissioners; and it was done upon the ground of several others, in situations inferior to the paymaster, having been raised to about 600l. The augmentation then made was not felt to be adequate to the labour, importance, and responsibility of the office; but it was purposely kept down, on the understanding, undoubtedly entertained by others as well as by me, that the paymaster enjoyed those advantages to which I have alluded.—I do not rest upon these circumstances, in the view of justifying the regularity of a practice which may, on other grounds, have been since found to be either improper or irregular; but, certainly, I am entitled to found upon them, as the strongest proof that I meant no concealment in the transaction, and that I felt no consciousness of wrong in what I had done.—With the permission of the house, I must, for a few moments, recall their attention to a subject, to which I have hitherto only slightly alluded. I refer to the insinuations thrown out, that my authorizing or conniving at the lodging of the naval money in the house of Messrs. Coutts, could only proceed from an intention of its being appropriated to the purposes of private emolument. Previously to the year 1786, the navy pay office was situated in the city, in the neighbourhood of the bank, and it was in consequence of its removal to Somerset-place, that the suggestion was made to me of the convenience of putting the money, when drawn from the bank, in the hands of a respectable house in the neighbourhood of Somerset-place. The reasons given at the time certainly did satisfy me, and after the maturest consideration I can give to the subject, I am not yet convinced, that my opinion was erroneous. It would serve no good purpose, at present, to enter upon a discussion of that subject; but if ever there should be occasion to do so, I think, I can prove, that both the convenience and the security of the public would be better consulted, by the accounts of the sub-accountants being placed in a situation liable to the daily inspection and examination of the paymaster, than by having them raised in their separate names, at so great a distance from the means of such habitual examination.—I know that, from the nature of the business, and the necessity of so much of it being done at the outports, it is impossible to procure perfect safety, either to the public or to the treasurer, by any constant and daily inspection of the paymaster; but that is no reason why recourse should not be had to that additional check wherever it can be exercised. The commissioners of naval enquiry are themselves aware of the risks that are run, and, therefore, they have made the following suggestion: "We were surprised to learn, "that neither the officers nor clerks in the "navy pay office, give any security for the "faithful discharge of their duty, notwithstanding the great responsibility of their "situations. We are of opinion, that the "paymaster, and other officers and clerks "entrusted with the public money, should "be required to find security, in proportion "to the amount of their salaries; for "though such security may not be adequate to the trust reposed in them, we "think it would operate strongly, in preventing the misapplication of the public "money."—The measure here suggested would give a very small additional security to the public; but the suggestion proceeds on the apprehension that there is a risk, and that being the case, I contend that the risk is increased, by the naval money being intrusted to a variety of persons, whose accounts are remote from inspection and examination, more than it would be, if those accounts were subject to the daily examination and inspection of one individual, to whose accuracy and responsibility the treasurer must principally look for his own security and that of the public.—Great pains appear to be taken by the commissioners of naval enquiry, to establish that no inconvenience has ensued from changing the former mode of conducting the business, and having recourse to that which is now practised. Upon all that species of evidence and observation, it is sufficient for me to remark, that the new practice has been, at least, of very short duration. I sincerely hope it will answer the expectations of those who, I make no doubt, have, from the best of motives, adopted it; but, in my own vindication, I cannot refrain from reminding the house, that during the period of sixteen years, when I had the conduct of the office, it was done without any inconvenience or complaint, and, let the new practice prove, on experience, to be as successful as its most sanguine panegyrists can desire, it never can succeed better, as to its effects, than that which has been laid aside to make room for it.—Having, in the course of my statement, given to this house a fair and unqualified explanation of every circumstance connected with the purport of the resolutions adopted on the 8th of April last, I am perfectly aware it may naturally suggest itself to many who now hear me, to ask, why I thought it necessary to make any reserve in the answers I gave, when examined by the commissioners of naval enquiry? This question having been put to me by many of my private friends, I can the more readily suppose it to arise in the minds of others.—From what I have already stated, it must appear, that it has not been owing to any thing like reluctance on my part, that this doubt has not been long ago removed; and I willingly seize the first opportunity afforded me of explanation, to premise, that the real import of my examination before the commissioners has been either much misunderstood or grossly misrepresented. It has been affirmed, in broad and general terms, that I refused to answer the commissioners, whether I had derived profit from the public money in the hands of the treasurer. I have done no such thing. The commissioners, in their letter to me of the 26th June, called upon me to give them an account of certain particulars in detail, which, for the reasons I assigned in answer, it was literally impossible for me to do; and I added, that even if I had the means of doing so, I should think it my duty to withhold the information required, on the grounds I stated, alluding to sums which had been occasionally withdrawn for other public purposes, not naval. Perhaps I need not have added this; but let it be observed, that at that time nothing had occurred to create in my mind a suspicion, that any communications made by me to the commissioners were likely to be interpreted to my disadvantage.—From that time I heard no more from the commissioners for the space of four months, during which period, it now appears, they had become possessed of all Mr. Trotter's private accounts with the house of Messrs. Coutts. Upon the 2d of November I received the following summons from the commissioners: "Office of Naval Enquiry, Great "George Street, 2d Nov. 1804. My "lord, being desirous of receiving some "information from your lordship, relative "to the management of the business of the "pay-office of the navy during your trea"surership, we request you will let us "know, what day in the next week, and at "what hour it will be most convenient for "your lordship to attend us for that pur"pose." In consequence of this summons, I immediately attended them, and underwent an examination by questions, obviously prepared with much previous consideration; but as I have already observed, without a communication of one item of these accounts before them, and without an explanation as to any one entry contained in them, and without a conception, on my part, that in that examination I was on my trial, or liable, in consequence of it, to be subjected to severe criminating resolutions.—Having given this preliminary explanation, I proceed to state, that upon an accurate examination of the terms of my evidence, you will perceive how much it has been misunderstood, if it is supposed that I had refused in general to answer, whether I had derived benefit from the public money.—At the time of that question being put to me, I had received the unexpected information, that in the advances Mr. Trotter had made to me, on the account current of my affairs, he (Mr. Trotter) had made those advances, without discriminating whether they were made from private funds, or from the public balances in his hands. With the knowledge I possessed, from the information thus given me of the manner in which he had blended his account, I was induced to adopt a degree of reserve, beyond what perhaps the occasion called for; and upon a review of all circumstances now before me, I am satisfied, that I might then have as directly and as confidently answered the question in the negative, as I can now; conscious as I then was, and as I now am, that at no time did I act, or authorize any other person to act, in contravention of the patent under which I held the office of treasurer of the navy.—The details I have this day given to you must satisfy every man, that I could have no motive, and that it was even contrary to my interest, to exercise any reserve on this subject.—I have understood, that a great deal of acrimony and ingenuity have been resorted to, in the interpretation of another answer I have given. I mean when the question is put to me, "whether I did direct, or authorize Mr. "Trotter, while paymaster of the navy, "to lay out or apply, or cause to be laid "out and applied, any of the money issued "for carrying on the current service of the "navy, since the first of January 1786, for "my benefit or advantage?" I answered by saying, "To the best of my recollection I never did." I have less reason to complain of the animadversions which have been made upon this answer; for I certainly might, and ought to have answered, simply, that "I never did;" and my having prefixed the other useless words, arose (as is well known to those who are in the habits of living and conversing with me) out of a mode of expression customary with me in speaking of past transactions.—I have also observed, that on another topic much asperity has been resorted to, founded on the allegation of my having refused to answer questions, on the ground of not being obliged to criminate myself. Of all the imputations I have heard of, I confess this is the one I least expected. If I had been of that disposition, I should not have been exposed to any one of the charges that have been brought against me; and it is the more extraordinary such a one should have arisen, when my accusers have rested the whole of their charges on what they are pleased to call my own confession. The observation is wholly founded on a misrepresentation of my evidence. I never made use of the clause in the act of parliament for any personal reason, but solely to protect me from disclosing any of those irregularities I may be supposed to have committed, in appropriating, for a time, any of the naval money to other public services. So far from feeling that to be any imputation upon my honour, I should have felt myself guilty, not only of a breach of public duty, but a most unwarrantable violation of private honour, if I had disclosed any of those transactions. The information I had received from Mr. Trotter, of his manner of blending his public and private accounts, was the single reason I assigned for not answering any question put to me, respecting my having reaped any benefit or advantage from the money in the hands of the treasurer of the navy. Upon that subject I never had recourse to the defence of not criminating myself. Whatever, therefore, has any where been said upon that topic, may be a proof of dexterity in misrepresentation; but in point of candour or fair statement, it is certainly entitled to no merit.—I am informed that another charge still has been alledged against me in different quarters, on which I wish to say a few words, not so much from the importance of the charge itself, as from its being a striking proof of the extent to which a spirit of rancorous hostility, once yielded to, will be induced to go, in its exertions to inflame itself and the minds of others. The topic to which I allude is that, whereby I have been charged with having no other motive for remaining treasurer of the navy, after I became secretary of state, except the unlawful gains I am supposed to have derived from that situation. What I am now to state does not rest upon my assertion. There is one who now hears me, and others with whom I have at present no connection in politics, who can bear testimony to the fact, that I never was one hour secretary of state with my own inclination. Under the original institution of the board of India commissioners, the treasurership of the navy was understood to be the appropriate situation of the person who was to take the leading part in the management and control of the affairs of India. In that character I had acted many years with great labour; and, perhaps, I may have had the vanity to suppose, that by a successful administration of that great concern, I had done essential service to my country, and at the same time gratified an ambition, of which no honourable mind has reason to be ashamed; I have no difficulty in acknowledging, that I had a predilection for the India department, and it was the only one in which I ever wished to have been employed.—On this ground I declined accepting the seals of the home department at the time lord Grenville was appointed; and when, at a later period, I was induced to accept them, it was under an assurance, that I should only be required to hold them for the short period of probably a few months, till the return from abroad of a noble lord for whom they were destined. He did not return at the time expected, and the very critical and dangerous state of the country which immediately ensued, rendered it impossible for me to decline obeying the commands of my sovereign, at a moment when he was advised, that any exertions of mine might be of use in repelling the dangers with which the constitution of the country was so peculiarly menaced, during the period I was in the home department. When the duke of Portland was appointed to that situation, I again made it my earnest request to his majesty, that I might be permitted to confine my labours to the administration of the affairs of India, and I only desisted from making that request, when specially commanded by his majesty to do so.—I am extremely concerned to trouble the house with such personal details; but I am compelled to do so, by the industry with which my enemies think themselves at liberty to lay hold of every circumstance which they suppose can create prejudice against me. The result of what I have stated on this topic is, that I never had the smallest predilection for the office of treasurer of the navy, except in so far as it was the situation at that time supposed to be appropriated to the person at the head of the administration of India.—I shall now proceed to observe upon the report of the committee of the house of commons, and in doing so, I shall follow the order of the report itself. In the outset, I cannot help expressing my regret for the circumstance stated in the first page of it, and wishing it had occurred to the committee, rather to expunge those questions and answers which appeared to them to exceed the limits of their enquiry, than to leave them in the body of their evidence. The consequence of their not doing so is, that several things are left in the report, calculated to create an impression which would not have existed if the question had been pursued by more minute enquiry; and this inconvenience becomes the more striking, when it is recollected, that I was, from the circumstances well known to the committee, deprived of the opportunity of giving them personally any explanation. The report begins by stating the substance of Mr. Trotter's evidence respecting his advances to me: upon which it is necessary immediately to observe, that it is quite impossible to attempt, with precision, to analyse any of the statements given by Mr. Trotter.—None of the public accounts of the office ever were in my custody or possession, and from the day I transferred my balance to my successor, I considered my connection with the navy pay office to have ceased, as much as if it never had existed; except in so far as respected a small balance to which I might finally be liable, on the settlement of my account as treasurer, previous to January 1786, as to which my account must be made up and cleared as an ex-treasurer, agreeably to the old practice of the office. I likewise took occasion to explain to the commissioners of naval enquiry, that for many years past I never had considered the vouchers of my settled accounts with Mr. Trotter, in the management of my private affairs, as being of the smallest use, and never thought of preserving them, more than I should have done the vouchers of any other settled account in which I was ever concerned. At the same time, I mentioned to them the information I had received from Mr. Trotter, as to the manner in which these accounts were blended, and which deprived me of the means of giving any detailed or satisfactory information on the subject.—I have shortly recapitulated these circumstances, in order that the house may feel the impossibility of my either confirming or correcting any of the details which Mr. Trotter has given to the committee. It is true, I have now had the opportunity of looking into Mr. Trotter's accounts with Messrs. Coutts, contained in the appendix to the tenth report; but the bare inspection of them is sufficient to convince every person of the impossibility of deriving any information from them; and every endeavour to unravel them has more and more proved the impracticability of doing so.—In short, in the whole minute details connected with this investigation, I have been at the mercy of Mr. Trotter's memory and recollection, without the means or power of either aiding or correcting his recollection in any one item; but this I can affirm, that I am not indebted in one shilling either to Mr. Trotter or to the public. But upon any anterior details upon which Mr. Trotter may have entered, or may hereafter enter, for the reasons already assigned any distinct explanation from me must be obviously impossible.—Nothing can be further from my thoughts, than to insinuate any intention, on the part of Mr. Trotter, to state any thing differently from what his recollection may have suggested at the moment. At the same time, from the information he has given respecting his books, he has little else to resort to than his memory; and both himself and his friends know that neither he nor they have felt they could depend upon it for a very considerable time past, in the manner they might have done some years ago.—Under these circumstances, and speaking from recollection of transactions many years ago, it is not impossible or improbable, that in some of his details, Mr. Trotter may have intermixed the transactions of one person with those of another. I think I can perceive vestiges of the truth of this observation in his evidence, where he mentions the name of Mr. Tweedie. It is true, that in the close of his evidence he explains himself to mean no more than that he employed Mr. Tweedie as a messenger to me; but from the former part of his evidence any person would be led, and the committee seems in fact to have been led into a belief, that, in some shape or other, Mr. Tweedie was entrusted or employed by me in some way more confidential than as a mere messenger; whereas I have not the least recollection of any circumstance that could create such an impression in Mr. Trotter's mind, and am perfectly certain, that no confidential intercourse of any description, ever passed between Mr. Tweedie and myself. From what Mr. Trotter had said in his evidence, I observe that the committee have been induced to examine the son of Mr. Tweedie on the subject, and the import of his evidence is to confirm the statement I have now given.—Having observed thus much in general, I shall proceed to offer every satisfaction the nature of the case admits of, consistently with the reserve that naturally belongs to transactions connected with the government of the country. But I must, in the first place, remark, that during the whole period in which I was treasurer of the navy, I was, at the same time, the confidential adviser of government in every thing relating to the administration of the affairs of Scotland, or supposed to be connected with the general interests of government in that part of the kingdom. In that capacity, every person must readily perceive the impossibility of being so, without having recourse to the expenditure of occasional sums for the purposes of government; and, however satisfied my own conviction may have been, and however clear the necessity and propriety of the expenditure, in the instances in which it occurred, might in fact have been, every one must be aware, that it is impossible that those purposes should be detailed, without both great public and personal inconvenience; and I do affirm in the most direct terms, that the 10,000l. which came into my hands during the paymastership of Mr. Douglas, was neither used, nor meant to be used, for any object of personal profit or emolument to me. But I think it is impossible for any one to expect, that I should enter into a more minute explanation, either with regard to that sum, or another, of, I believe, about a similar amount, at a later period, without incurring the charge of a great breach, as well of public duty as of private honour. It is unnecessary to dwell upon the uneasiness I have felt from the necessity of withholding explanation on any part of this subject, aware as I am of the many insidious and malignant observations, to which any person must be exposed, who feels such a reserve to be his only honourable line of conduct.—There is, however, one striking circumstance in this business, on which I may fairly rest in appealing to the candour of the house. In my letter to the commissioners of naval enquiry, on the 30th of June last, though I referred to the whole, I certainly had particularly in contemplation the sum of 40,000l. advanced by me to Mr. Pitt, for the purposes explained in the report of the committee of the house of commons.—This sum formed two-thirds of the whole; and if Mr. Pitt had not thought it expedient, as appears at one time to have been his feeling, to divulge the transaction in the manner he has done, I should have thought it my duty never to make such a discovery, from any personal consideration either of fame or safety; and if this investigation had taken place within that period, it is obvious to what an extent of additional suspicion and obloquy I must have been exposed; and yet from the disclosure which has been made, it is now evident that such suspicions would have been groundless, and such obloquy unjust.—It will also be recollected, that with regard to the sum of 10,000l. put into my hands by Mr. Douglas, there is no room for charging me in that transaction with any violation of the act of parliament; for it took place before the act passed; and whatever restraint I might have been under from the terms of my patent, the regulations either as to placing money in the bank, or drawing it from thence, as enacted by the act in 1785, in no respect applied to that ten thousand pounds.—The explanation I have now given, applies to twenty thousand pounds of the sum mentioned in the report, and, with the addition of whatever sum Mr. Trotter was at any time in advance for me, in his account current, forms the aggregate of any advance he may have made to me, in so far as I can speak from the conviction of my own mind. It is my belief, that there is some confusion in Mr. Trotter's recollection, when he talks of twenty-two thousand pounds, or twenty-three thousand pounds, as distinct from the advances of "from ten thousand pounds to twenty thousand pounds on his account current." Either the one or the other of these sums, I conceive, must be overstated. I am not aware from what materials Mr. Trotter can make several of the distinctions he has done in his evidence, respecting the different funds from which such advances were made. It is obvious, on the face of his evidence, that much of what he stated bears the character of after-recollection. A striking example of this appears on his second day's examination, when he desires to make an addition of two thousand pounds or three thousand pounds, to the sum of twenty thousand pounds, which he had stated in his examination on the preceding day. It is true, I have no materials or documents by which I can either assist or correct his recollection. I was perfectly aware, in my own mind, that I was accountable to the public for the repayment of a sum to the amount of about twenty thousand pounds, drawn for confidential purposes, exclusive of the forty thousand pounds to be immediately mentioned: but Mr. Trotter was totally ignorant of those appropriations; and if he endeavours, from any thing recently avowed, to form a conjecture concerning them, I am sure it will only serve to mislead and confuse him.—It is now necessary to advert to a sum mentioned by Mr. Trotter as having been borrowed by my direction, and on my account. He states the sum to be twenty-two or twenty-three thousand pounds. This certainly differs from my recollection, which is clear as to the sum being twenty thousand pounds, and the annual interest paid on it one thousand pounds. If, therefore, the three thousand pounds in addition was any advance on my account, it must have been on his account current, or in some other mode, which it is impossible for me to trace. The loan took place a few years after I had unadvisedly left my profession, and was connected with some private family concerns, with which it is unnecessary to trouble the house. I observe from the report of the committee, that Mr. Trotter, whom I employed to borrow the money, says he was himself the lender: and, upon his authority, I presume he was so. I certainly had no knowledge of it at the time, having only directed him to procure the loan; and probably, from the question not being put to him, he has omitted to inform the committee, that the circumstance of his having been so was only communicated to me within these few weeks.—The next particular in the report to be observed upon, is the sum of 40,000l. advanced for the relief of Messrs. Boyd and Co.; and it seems to be taken for granted, that this transaction had been suggested by me. If I had been examined, I think there would have been found some shades of difference in my recollection of the origin of the transaction, from what appears upon the evidence reported. But feeling then, as I do now, the urgent necessity of it, it is immaterial to examine whence the suggestion arose. There seems no difference of recollection, however, as to the substance of the transaction, which is fully before you; and I have no disposition to exculpate myself from any part of the blame which can be supposed imputable to it.—Upon this part of the report it will be expected that I should advert to what is stated as to my not paying interest, when I repaid to Mr. Trotter the sums detailed in the report of the committee. I do not imagine it will be expected by the house, that I should give any reason why I did not either pay or demand interest on any part of the sums of forty and twenty thousand pounds withdrawn for other than naval purposes. Those sums would have yielded no interest if they had remained in the bank; and it certainly never entered into my mind to conceive, that under the circumstances of the case, the public could look for interest upon money so applied. It has been already mentioned, that for the sum borrowed under my own authority, interest was regularly paid; and if I was, for years, in the practice of paying so large a sum annually as interest, it seems to afford a pretty strong presumption, that I was not in the habit of applying the public money imprest into my hands for the purpose of private emolument. In truth, if I were to enter into any detailed explanations of my own private concerns, I am afraid it would be found, that I had, at all times, too many proofs of that nature to which I could have recourse.—Any consideration of interest, therefore, can alone apply to the sums which Mr. Trotter was at any time in advance for me on my private account current with him. From the latitude of expression made use of by Mr. Trotter, in his original evidence, I find it has been inferred, that he was in the practice occasionally of making advances to me, to the extent of ten or twenty thousand pounds. Mr. Trotter could never mean to state, that at any time he had advanced to me a sum to that amount. He clearly could only mean to speak of the aggregate sum advanced on his account current with me, adding all the items together during the whole progress of the account, on which he plainly states that there was, at different times, a considerable balance in my favour, on which he did not pay any interest.—I have no materials, nor has Mr. Trotter confessedly any, by which he could make a statement on this subject, more accurately than he has hitherto done. But he has very recently communicated to me his belief, that the advance for me of one or two instalments on what is called the loyalty loan, was the only material advance to which he meant to allude: and, so far as I can form any judgment on the subject, I am inclined to think, that his recollection does not much mislead him in this respect. When I subscribed ten thousand pounds to that loan, I certainly had not at my command the money wherewith to purchase the stock; but many who hear me will recollect, that it was expected of men in public situations that they should give countenance to it, and I accordingly did (as I believe many others did) give directions for subscribing to it, meaning to dispose of it as soon as I could. The late Mr. Henry Drummond arranged this for me; but I inadvertently omitting to make the transfer at the proper time, and the value of the stock having fallen, it remained upon my hands. To the best of my recollection I remitted the first instalment from money borrowed in Scotland, Mr. Trotter made provision for the remainder, whether by advance on his private account with me, or through the house of Messrs. Coutts, I do not precisely know: but this I certainly do know and affirm, that in this transaction I never had in contemplation the prospect of pecuniary emolument or advantage, nor indeed did I consider it as any part of my private property; but as soon as the last instalment was paid, I executed a power of attorney in favour of Messrs. Coutts, not only to receive the dividend upon it, but to dispose of the stock itself for the repayment of the purchase money, whenever it suited their convenience to do so.—The result of what I have stated is this, that if Mr. Trotter did advance any of the instalments upon the loyalty loan, beyond what he was enabled to do by my private funds passing through his hands, and at the same time carried the dividends to my credit in his account, I may have been a gainer, to the amount of the dividend which arose from what he advanced, above what he might have in his hands of my private funds. This would be the state of the case in the most exaggerated view that could be taken of it, even by the most hostile imagination. The whole dividends upon the stock, during the time it was held, did not, in all, amount to two thousand pounds; and I think I need not add more on this point, to prove how unwarranted all the exaggerations have been, which have been propagated on the subject of interest.—I must also further state, that to the best of my belief there passed through Mr. Trotter's hands, arising from my salary and other private funds, not less, and probably more than seventy thousand pounds during the fourteen years he served under me in the navy pay office. Nor can it be reasonably contended, that on an account of the fluctuating nature I have described, a minute calculation of interest on every sum paid on either side would have naturally occurred to the mind of any man. No circumstance ever arose between Mr. Trotter and myself to call my attention to the subject, and indeed, from the general impression I had of the amount of the sums paid or received on my account, the balance was too inconsiderable to make the interest an object of importance.—The next point to be observed upon in the report of the committee is, what they state as their second head of enquiry, viz. the communication said to have been made to Mr. Pitt by Mr. Raikes. This is a conversation which is said to have taken place as far back as 1797; and certainly any recollection I have been able to revive on the subject, is rather derived from what Mr. Pitt has recently stated to me, than from any feeble traces of it which remained in my own mind. I can, therefore, in observing upon this subject, only state, that supposing Mr. Pitt to have represented to me the communication in the precise terms he received it (as to which I certainly cannot speak from any recollection of my own), I make no doubt I should have treated it as an idle rumour, conceiving that it originated in the permission I was aware I had given to Mr. Trotter to withdraw from the bank, and place in the hands of Messrs. Coutts, the sums necessary in the regular course of the office, for payment of the small sums which are hourly called for, as well as to answer the claims of those who were possessed of assignments from the competent boards consistent with my idea of the meaning of the act of parliament which I have already detailed at length. It was under this impression I should naturally have so answered Mr. Pitt's communication, and this would so satisfactorily have accounted to me for the report, that I should not have thought of making any further enquiries on the subject.—The third head of enquiry referred to the committee, respects the loss sustained through Mr. Jellicoe. Being obliged to trouble the house so long on other points, it is certainly not my intention to detain you on this: and however ruinous to me it would have been if the loss had fallen upon me, I own it is the point of all others, on which my mind has been least anxious in the course of all these investigations. My fame, not my fortune, is the object of consideration with me. I have appeared before this house to vindicate the former; and as to the latter, the evidence is in your hands, and upon that you will form your opinion. When it is so clearly established, that the loss had occurred previous to my having any connection with the treasurership of the navy, and that by no means in my power the loss could have been prevented or diminished, I should feel myself most grievously injured, if his majesty had not been advised to give me the relief I received. I am strongly impressed with a conviction, that if Mr. Jellicoe had lived, and had been in a situation to establish his beneficial interest in the invention for which the patent was granted, the public would, from its value, have been glad to have purchased the patent, at a higher price than the loss which has been sustained by his failure; and if I am right in that impression, it is a consolation at least to feel, that the public enjoys the benefit of the invention, as I understand it is in general use, without any compensation, except in so far as the loss in question can be considered as such.—Before concluding my observations on the report of your committee, it is necessary to advert to a circumstance not particularly dwelt upon by the committee, but which, from the tendency of some libellous publications that have been shewn to me, seems to be enlarged upon with great assiduity, as affording grounds of dark and mysterious suspicion. I allude to the clause in the release produced by Mr. Trotter, relative to the destroying the vouchers of all pecuniary transactions between him and me. I have likewise heard, that the terms of this clause have even operated on the minds of candid and honourable men; and therefore I should be wanting in justice to myself and respect to them, if I were to pass it over without particular observation: and I am confident, whether you examine this charge upon the only evidence before you, or upon the glaring absurdity of the imputation itself, you will be convinced how perfectly groundless and injurious it is.—Let us first examine the evidence upon the subject, and it must immediately occur to your observation, that I was at the distance of four hundred miles, when this release was prepared and transmitted to me for signature. I have no recollection whether it was brought to me by any man of business, or was transmitted in a blank cover to me from London. I think this last most probable, as it appears that I received it at my son's house in the country, and the witnesses who attest my signature are two of my servants. I am confident there was nothing to call my particular attention to this clause; and if there had, it does not occur to me now, that it would have struck me as any thing unusual, or meaning more than a clause of common form, expressive of an obligation on the parties not to keep in their possession any receipts, or other vouchers, which could be made the ground of a claim by the heirs of either party against the other.—I do not, however, enlarge upon this observation; the fact certainly being, that the clause made no impression upon me of any kind, nor had I a recollection of its existence, till it was mentioned to me by a near relation of my own, who now hears me, and this after Mr. Trotter had been called before your committee.—The next remark on the evidence is, the almost certainty it affords, that I was never consulted on the insertion of such a clause, nor in a situation to be so. I have already informed you, that I was at the distance of four hundred miles from London, where the deed was prepared; and in addition to this circumstance, you have the most positive testimony from Mr. Trotter, that I was neither consulted, nor did I give any instructions upon it. He is asked expressly, "Did lord Melville give you any instructions for inserting the clause to destroy vouchers in the release, before it was drawn up?" He answers, "he did not." "Did you know of his having given such instructions to any other person?" "I do not." So stands Mr. Trotter's evidence, every word of which you must believe to be a falsehood, before you can give the smallest credit to the imputation of any such concert or conspiracy as has been surmised.—The evidence does not rest here; for, in so far as negative evidence can go upon such a point, it is as strong as it can be in any case. Mr. Spottiswoode having unfortunately died within these few months, we are deprived of the benefit of his evidence; but you have that of his partner and of his son: and if I had given any special directions to Mr. Spottiswoode respecting this clause, it is most probable that those gentlemen would have known it from my correspondence, or learnt it from their conversations with Mr. Spottiswoode at the time.—If, therefore, you are to proceed on the only evidence before you on this subject, it is impossible for you to believe the foul suspicions which are endeavoured to be reared upon this circumstance.—But I maintain, further, the whole charge is not more defective in point of evidence, than it is palpably absurd on the face of it. If it means any thing, it must mean that Mr. Trotter and I, being conscious of some foul transactions, had resolved to destroy the evidence of them. Allowing the premises, the conclusion is a fair one; but the mode of executing that intention would have been the most extraordinary that ever was imagined. If Mr. Trotter and myself had formed the plan of destroying such evidence, what prevented our meeting together, any day we pleased, and actually carrying our purpose into execution? but it would have been a most extraordinary proceeding, not only to have informed Mr. Spottiswoode and his partners and clerks of our intention, but to have recorded that intention in a formal deed, unnecessarily and wantonly confessing our own guilt, and publishing to every person who saw the deed, the means we had taken to cover it.—This observation acquires much additional force, when it is remarked, that the deed contains a clause of registration; and if either of the parties should ever have occasion to have recourse to it as an obligation against the other, it was necessary it should be recorded in the supreme court of the kingdom, and an extract of the deed, containing the clause itself, produced in the court, before which any suit might be brought, for enforcing the obligation it is supposed to contain.—If, after combining all these particulars, whether arising out of the positive and negative evidence which is before you, or from a contemplation of the manifest absurdities in which the charge is involved, any person can still allow himself, for one moment to harbour such a suspicion in his mind, I must confess myself totally unable to combat the malignity and prejudices of a mind so deeply tainted.—But in order that no circumstance may be omitted which can give a shadow of truth to this supposed conspiracy, we are desired to attend to the circumstance of its bearing date soon after the commissioners of naval enquiry were appointed. But those who attend to this remark will immediately perceive, that it is liable to every observation on the absurdity of it which has been already adverted to. If the parties concerned were panic-struck by a dread of the commissioners of naval enquiry, was it not more natural for them to have had immediate recourse to the destruction of these dangerous documents of guilt, instead of entering into an obligation on the subject, liable to all objections and difficulties which have been pointed out? They surely had no ground to imagine, that this release would not be produced, as well as the documents meant to be destroyed; and I certainly, without any breach of charity, may be permitted to suppose, that not one of the vouchers meant to be destroyed could have been dwelt upon with more ingenuity and asperity than this release, which the parties are said to have framed, for the purpose of covering all the guilt which it is supposed those vouchers would have proved.—I shall only further observe, that if this deed was meant to impose any active obligation upon me, I have certainly been very remiss in the performance of it. On my leaving Somerset Place I destroyed many useless papers. I did the same when I left Wimbledon three years ago. I likewise did so when I left London two years after, and I have occasionally done the same during my subsequent residence in Scotland; but I cannot charge my memory with having ever destroyed any voucher, from a sense of the obligation contained in this release. As to the act of parliament appointing the commissioners of naval enquiry, I believe nobody imagined that any thing but the abuses in the dock-yards were the real object of their appointment. The abuse now complained of in the practice of the navy pay-office had been rectified before bill passed; and I could not suppose it was intended to remedy abuses which had been already corrected. At the time I was applied to for the release I was living comfortably and happily with my family and amongst my friends in Scotland, not conceiving that I ever should be the object of attack as treasurer of the navy; and perhaps I am not very far mistaken in thinking, that if I had continued in that secession from public situation, the attack would never have been directed against me.—I am ashamed to have troubled the house at so great a length on this part of the evidence subjoined to the report, but for the reasons I began by stating, I thought it impossible for me to avoid it; and I have only further to observe, that there is not one word in the release of any intention or obligation to destroy existing books or accounts. I am led to make this remark, from observing in some of the proceedings before the committee, an inclination to connect with the release the non-existence of some of Mr. Trotter's books and accounts.—I have now finished the observations which I have been desirous of laying before the house; and in the course of them, I trust I have been successful in my resolution of refraining from any asperity of language, expressive of the feelings I may be supposed to possess on the subject of the proceedings which have been directed against me for these many months past. If I ever give vent to any such feelings, it will not be in this place. This is not such a conclusion as I had hoped for, and as I think I had a right to expect to a long and laborious life, devoted to the service of my country; but I feel within myself a strength and fortitude of mind adequate to every suffering I have undergone, or by which I may still be harassed. My enemies are mistaken, if they suppose that my spirits are easily to be broken down by any exertions in their power; but I wish I could, with equal truth, assure them, that I was as unassailable in other quarters; the lashes intended for me have indeed cruelly lacerated the feelings of many valuable friends, and of others more nearly and dearly connected with me, and perhaps these strokes are the harder, as some of them have come from hands whence they were least expected. I shall, however, avoid dwelling on such topics, and thank the house for the indulgence they have at present shewn to me.—Neither shall I trouble you much on the motion I have heard to be intended after I retire. As no such motion has yet been made, I am at liberty to speak freely of it, and I think my understanding is not so blinded on the subject, as to mislead my judgment with regard to the very extraordinary circumstances under which such a motion would now be brought forward. If an impeachment had been proposed on the 8th of April last, it would, at least, have come as an entire question, when no part of the punishment would have preceded the trial. I know I may be told, that being removed from a high and important trust, and separated by the interposition of parliament from the councils of my sovereign, is no punishment. I will not stop to discuss such puerilities; but I shall beg only to ask, whether what has already taken place does not probably amount to as much, as even in the case of a conviction upon an impeachment would have taken place? A declaration of incapacity to serve his majesty in any place of confidence or trust, would, even under such circumstances, have been considered as a punishment not wanting in due severity. The house of commons have not done this in terms, but they have done it in substance from what passed on the 8th of April and subsequent occasions.—You have gone further. To punishment you have added an attack upon the remains of my private fortune, by your direction to the attorney-general. It may be said, this is only reclaiming unlawful gains. Is that so clear a case? and does it not admit of some doubt, whether claims upon me would be confined solely to what I have received? But in any view, is it no additional punishment to be harassed, God knows how long, in a court of law, by an investigation of my whole private concerns for a great part of my life, without any documents or vouchers of any kind to aid my recollection in any one particular?—Indeed, when I take a review of these past proceedings, I can scarcely bring myself to believe that a motion of impeachment can be seriously intended. If any such intention has been entertained, it must have been conceived in a moment of sudden violence, forgetting all that has been already said or done upon this subject. Is it meant that a civil prosecution, under the direction of the attorney-general, is to be going on in one place, where I am to be examined upon oath, and the result of that examination communicated to the managers of the impeachment, to aid them, in their conduct of their criminal accusation in another place?—I am confirmed in my conviction, that an impeachment can never be seriously intended or persevered in, from attending to other circumstances, and in particular to that of the many illustrious names, members of another house of parliament, which have been prefixed to requisitions for calling meetings, or have actually attended them in various parts of the country, expressing very violent and inflammatory opinions, founded on what they supposed to be the import of the resolutions passed by the house of commons. In the case of an impeachment, these peers would be the judges of the person chiefly aimed at in those extrajudicial proceedings. It will scarcely be supposed, that no communications on this subject have passed between the great authorities in this house, who have taken a lead in its proceedings, and many of those noble lords to whom I have referred, and it is altogether inconsistent with a belief of such communications, to suppose that a motion of impeachment could be intended; for it appears incredible, that under such circumstances, those high and honourable characters could have been induced to take a part so totally irreconcileable with the judicial functions they might be called upon to perform.—I believe I am accurate in the recollection of a circumstance which just occurs to me. It was on the occasion of the trials a few years ago at Maidstone, the circumstances of which will be easily recollected. A gentleman of the name of Raikes was challenged as a juryman, and the challenge sustained, on accout of his having been heard to utter intemperate language with regard to the objects of the trials; and this was considered as sufficient to disqualify him from sitting as a juryman upon their trial.—It has been rumoured, that other modes of trial have been thought of, in the shape of indictment. But on that subject, likewise, I am disposed to be incredulous: for I am sure, if any such measure had been in contemplation, no member of parliament would have been induced to take part in the harangues and resolutions of meetings of every description, and even in this metropolis, calculated to poison the public feelings, and prejudice the minds of those from whom the jurymen must be selected, if such criminal prosecution were to take place.—Upon this subject of prosecution by indictment, I must repeat the same observation I have already made on that of impeachment. It would be an attempt at double punishment. Fine or imprisonment are the usual modes of punishment in the case of a conviction on an indictment in a court of law; but is there any man, circumstanced as I have been in life, who would ever consider what has happened in consequence of the interposition of parliament, as a lesser punishment than that which I have stated as the usual result of a criminal conviction? This proposition may be distorted by any subterfuge which ingenuity may devise; but it is impossible seriously to maintain, that an attack upon me, in the form of a criminal prosecution, would not be an attempt to load me with reiterated punishment, and that too, aggravated by the methods which have been already resorted to, for the purpose of poisoning and prejudicing the public mind.—These impressions are so strong and so convincing to my mind, that I feel secure no further proceedings will be taken against me, and therefore I should think myself guilty of an unnecessary waste of your time, if I were to insist upon them more at large. Perhaps I ought to be aware, that in cases of persons of rank, and who have filled high situations in government, their accusers may think themselves at liberty to pursue lines of conduct, which would be reckoned reprehensible and oppressive, if adopted in the case of a cottager or a peasant: but even that has its bounds, and there are certain fixed and unalterable principles, which cannot be departed from, in any case, without weakening in the minds of all ranks, that confidence in the pure administration of justice, which is essential to the happiness and safety of every inhabitant of a free country.—I have already expressed my hopes, that nothing in the course of this day has fallen from me, in any degree disrespectful to the assembly which, with their indulgence, I have been permitted to address. But I equally trust, I cannot be liable to censure, if I have not, in any part of what I have said, shewn a disposition to deprecate, by humiliating submission, any of the future evils which may be in contemplation against me. I have lived too long not to know, that popular clamour often dies away as rapidly as it is excited. A time may come, and I hope it is not far distant, when those who now pursue my conduct with such unexampled rigour, will perceive their error, and become conscious of the injustice I have suffered through misconception and misrepresentation.—Circumstances not in my power with honour to control, debar me from the possibility of uttering what it would be undoubtedly my personal interest to disclose. I despair not, even in my own time, to receive ample justice from my deluded country. This is, however, not the period to enter upon that theme. But I feel the consciousness of my own rectitude deeply implanted in my breast, and I shall descend to my grave with the heartfelt satisfaction, that, however the shafts of severity and cruelty may be levelled against me at the present moment, the future impartial historian will be able to hand down my name, in the list of those who have strenuously, and I hope not ineffectually, exerted, during a long life of public service, their unremitting endeavours to promote the welfare and the dearest and most essential interests of their country.—His lordship then withdrew, and after a short pause,

Mr. *Whitbread* rose and spoke as follows:—Sir, it must have been a great satisfaction to the house, I am sure it has been a great satisfaction to me, that the noble lord who is the subject of accusation, and against whom the house of commons came to certain resolutions on a former night, has at last taken an opportunity of defending himself. It would be a further source of satisfaction to me, if the noble lord could have been present during the observations I shall have occasion to make upon that defence. After the noble lord had stated his conviction of his innocence, one would naturally have expected, that, in order to have proved it, and in order that he might have appeared to posterity in the colours he wished to be represented in, he would have said, "find me some means of being put on my trial; find me some means of proving my innocence; let me not rest on my own assertions," those assertions contradictory with one another, contradictory with the evidence of others, and with his own evidence on oath; those assertions which, in the present state of the question, it is impossible for us to take notice of, and I am persuaded the house of commons will not be contented with. But the noble lord, supposing he was willing to put himself on his trial, which it appears he is most unwilling to do, has told us, that there is no tribunal by which he can be tried. He says, "you must not impeach me, because you have prejudged my cause; you cannot try me, because unfavourable impressions have been excited in the public mind against me." Undoubtedly impressions of an unfavourable nature have been made in the mind of every man, they have found their vent in expressions of public indignation; and now, because he has conducted himself in a way which has created the prejudice he complains of, he says, "my conduct has been such, that I cannot be tried." He says, "I challenge and arraign, not the pannel of the jury, not the array, but the whole country; there is not a man fit to sit on my trial;" that if there was an impartial tribunal, yet that you have so fettered yourselves by your proceedings, that you have rendered yourselves incompetent to vote either on the motion which I shall propose to you, or even on any other. I deny the assertion. There is no proceeding we have already adopted which is inconsistent with any other we may adopt, and I call on the right hon. gent. opposite (the attorney general) carefully to watch every word I shall offer to the house. I beg leave to say this, because there was something in the speech of the noble lord, which reminds me of what fell on a former evening from a right hon. gent. (Mr. Canning) as to what was the sense of the committee on this subject. He asked me whether, in addressing the house, I spoke as the organ of the committee of which I was a member. The question was unnecessary, for he well knew I did not speak as the organ of that committee. I did not profess to do so. If the committee had expressed its sentiments to this house by any organ, it would have been by its chairman in preference to me; but although the question was not necessary, it might not have been put without design. The right hon. gent. might have meant to have insinuated, that if I did not speak as the organ of the committee, I perhaps spoke against the sense of the committee. That insinuation I deny. Whatever the private opinions of the committee were, they have expressed none; and I am at liberty to give notice, and to make the motion which I shall have the honour of submitting to the house. With regard to the proceedings, they stand thus: the house of commons voted the 14 resolutions of the 8th of April, after which I proposed that the whole of the report should be referred to a select committee, meaning to enquire into lord Melville's participation of the profits of the public money. The house thought proper to restrict the committee, and I was persuaded to bring forward a motion for a civil process. Feeling the difficulties with which I had to contend, I abstained from making the motion I intended, and the house only voted for a select committee with restrictions, which were found ineffectual, and were directly against that course of justice which would but for those restrictions have been pursued. A civil suit was moved as well as a criminal prosecution. The house adopted the civil suit; but is that to be considered as a bar to the prosecution? Will any man profess that the one can operate as a bar to the other? Were it so, in what situation would the commons of England stand? What would be the power of the crown, if, when any person was guilty of malversation in office, the crown could direct a civil process against him, and it was to be considered as a bar to an impeachment by the commons; or if the crown was to order the attorney general to institute a civil process, in what situation would the justice of the country be placed, if it could be contended that this was a bar to a criminal prosecution? I would ask, are there never two different processes going forward at the same time? Are such proceedings unknown to the law of the land? In the common case of an assault, we often find that a civil action and a criminal prosecution are both instituted at the same time. Where a case is so atrocious as to call not only for restitution, but also for example on the part of the public, the two actions stand on the same foundation. Is there any difference as to the principle in the present instance? The civil suit is to recover money, the criminal prosecution to punish the offender. Notwithstanding all the noble lord has said, sure I am that the country would not consider the restitution of the money from the pocket of the noble lord, as any compensation. But, supposing that having ordered the civil process, the law was that we could not have the impeachment, what in such case should we do? We should cut the knot. We should order the learned gent. over the way (the attorney general) to abandon the civil process. But there is another thing which I might propose. I might propose that the civil suit should be suspended—certainly it should either be abandoned as unworthy of the least consideration in the punishment of the delinquent, or it should be suspended till the criminal prosecution was at an end. The noble lord has said, "will you do this with respect to my case, which was never done in any instance before? Will you allow the evidence against me to be taken out of one court, to be produced against me in another?" No, I would not. What was the case with regard to Mr. Hastings, when he was impeached by the commons? A civil process instituted by an individual was going on against him in the court of chancery at the same time. Lord Thurlow ordered it to be suspended. This is what I recommend to be done in the present case: let the civil process be suspended. I should, however, imagine, that the right hon. and learned gent. over the way has not made any very great progress in obtaining the evidence that may be necessary to give effect to the civil prosecution. I do not think he has any evidence that would be of much use to those who conducted the criminal prosecution.—With regard to the latter part of the noble lord's speech, in which he appeals to the feelings of the house, I have only to say, that there is no man more alive to such an appeal than I am. I am not surprized that a person in his high station, so degraded as he is, should feel as he professes to do, the situation in which he is placed. I hope every man feels for such a degradation of rank. For the relatives of the noble lord I feel unfeigned sorrow and regret; but it is not for me or any man to suffer those feelings to interfere with the duty due to the public. It is the case with every man who commits an act which subjects him to the animadversion of the law. Some of his relations must necessarily suffer, perhaps more than he does himself.—But, sir, as to the defence set up by the noble lord, it does fall so far short of any thing calculated to diminish the ground of accusation against the noble lord, that I confess it appears to me he has rather furnished topics on those parts where I felt that nothing new could be said, and on which the house of commons have already voted condemnation. The noble lord has said, and his friends have said, has he not been already sufficiently punished? I answer, he has not. The resolutions voted by this house were carried to the foot of the throne; they contained a proposition to remove him from his majesty's person and government. The noble lord resigned his office of first lord of the admiralty. The right hon. the chancellor of the exchequer suffered him to withdraw himself from the punishment which would have attended the carrying those resolutions into effect. At a subsequent time, when there was a notice of a motion given to remove him from his majesty's councils, the right hon. gent. again suffered him to withdraw his name. The striking his name from the list of privy council, was the mere act of the sovereign by the advice of the right hon. gent. who would not have given it, if he had not expected that he would have been beaten, if the question had been discussed in this house. Now I say, that, on the report of the select committee, such new matter has come out, that it is impossible not to move the impeachment, or some other criminal proceeding. It was said, that it was not necessary to go into the enquiry as to the participation, and restrictions were imposed on the committee, which precluded the enquiry; but, without any intention, things did incidentally come out, that induce me to charge the noble lord with having participated in the profits of the public money. It may be said, "You did not intend to enquire into that charge." True; but it would have been a gross dereliction of our duty if we had not enquired into all the circumstances, after we had partly discovered them. Reduce this to the analogy of private life. Suppose an agent or steward was to be guilty of partiality towards a tenant, to the prejudice of his landlord—suppose the landlord should say to a lawyer, "examine into his accounts; but he is so far from having been guilty of peculation, that I do not even suspect him; therefore you need not make any enquiry on that point." Suppose, on investigating the charge of partiality, that it should appear there were symptoms of corruption, and that the steward had been partial from corrupt motives, would it not be proper, in such case, to proceed with the enquiry? If it incidentally comes to the knowledge of the house of commons, that the noble lord has acted from corrupt motives, what can the house do but adopt the impeachment I have proposed, in order that, by a full trial of all the facts, the guilt or innocence of the noble lord may appear? Give me leave to say, that I apprehend we are but on the verge and brink of that system of corruption which has just been discovered. But by the foot of Hercules you may judge of his size; by the finger of a giant you may form an estimate of his strength. Whether my suspicions are well or ill founded, it is impossible for me to say; but I am satisfied it cannot be proved that the noble lord is innocent, unless he does pass on his trial. We cannot blink the conduct of his lordship. Upon the report of the select committee, I charge the noble lord, and call on the house to impeach him on three distinct grounds. First, to impeach him for the infringement of a direct act of parliament, and a high breach of duty, in violating that law, which he has contended he did not violate; and I now redeem the pledge I gave on a former night, to submit a motion to the house for a prosecution against the noble lord, for participating in the emoluments derived from the use of the public money. I also charge him with having, by false pretences, defrauded the public of money; and, above all, by the acquittance he obtained on account of the business of Mr. Jellicoe. What he suffered to be done by Mr. Trotter was a manifest evasion of the law. He says he never evaded the law of the land, or that if he violated the law, he did not violate it grossly. I maintain he did violate the law in the grossest manner. Did we know of nothing more than what is contained in the 10th report, it would be sufficient; I therefore shall detain the house as short a time as possible. We find, in the first instance, that Mr. Trotter had the authority of the noble lord to draw all the money for the navy pay-office out of the bank. The noble lord confessed to certain sums being drawn from the bank, and placed in the hands of a private banker, as necessary to the business of the office. The noble lord would have us believe that there was some limitation with regard to the mode of drawing on the bank. I maintain he had unlimited power. He drew for a million at a time, and he might have drawn for all the money in the bank, and he might have placed it where he pleased. These are facts which have been acknowledged, and therefore I need scarcely take any notice of them. The noble lord put the public money beyond his own control. After it was placed in the hands of Messrs. Coutts, the noble lord had nothing to do with it. Messrs. Coutts might have gone off with it, without the possibility of Mr. Trotter's obtaining restitution. Lord Melville not only delegated this power to Mr. Trotter, but Mr. Trotter delegated it to Mr. Wilson. When Mr. Trotter went to Scotland, he left Mr. Wilson bank drafts to be filled up as he thought proper. Mr. Wilson might have taken the money to Drummond's, without being answerable to either lord Melville or Mr. Trotter. Mr. Wilson might have done the same thing as to any other clerk in the office, and that clerk as to another in an inferior capacity; so that there might have been no end to the risk the public ran by lord Melville giving his implicit confidence to Mr. Trotter, and allowing him to draw money from the bank. I am afraid these deputies' deputies are a great deal too common. This reminds me of a story of a sovereign coming into an apartment of his palace, and finding a ragged boy busily employed in doing what he employed a servant in scarlet livery for. Upon the king asking him who he was, he replied, "I am the page's page's page's page." In the present case, there was no reason why the principle might not have been continued to the lowest deputy in office. I have expressed a strong opinion of the conduct of the right hon. gent. over the way (Mr. Canning). I think he is to blame for not having dismissed Mr. Wilson. With regard to Mr. Wilson, from what I have seen of him, I am induced to think that no one can be more correct than he appears to be. No person could have given his tesmony with more candour and fairness than he did. I have heard that in his office he is highly useful; but having heard that, I think the right hon. gent. is not justified in continuing him in the office under him: for, whether it was from misapprehension of the consequence of his refusal to answer the naval commissioners, yet certain it was, he did stand mute, when he might have given very useful information. This was a line of conduct by no means creditable to him, and it ought to have been marked by that punishment which would have been inflicted by his dismissal.—The noble lord has said, that to these articles of charge, he never had any opportunity, before this, of making any defence. He forgets that he was examined on oath before the naval commissioners; he is no novice in business; yet, though the question was not put to him in writing, one would have thought he could have given intelligible answers. He said he was taken by surprise. But this is not all. When the tenth report was printed, how did it happen that the noble lord did not see the precedent sooner which he had very properly availed himself of this day? Why did he not write a letter to you, sir, before, desiring to be heard in his defence at the bar of the house? No person is more acquainted with precedents than the noble lord. But what does he do? He writes to the commissioners, and says, "I should wish to be examined again, in order to make an explanation of some part of my evidence." Does he say he will go before the house of commons? No! he writes the letter to the commissioners, and states that he will lay it before the house of commons as his entire defence to the charge. There was no charge of direct participation, nor was there now, until the noble lord spoke. When the noble lord observed with regard to the conduct and machinery of office, he said a great many extraordinary things. He stated, that the act of parliament was very incomplete; that it was not so good as the paymaster's act, that the one was a short act and the other a long one, comprising a much greater number of clauses; that the one did not go quite so far as the other. It was the noble lord who brought in the act, and he had many opportunities afforded him of amending it, and of altering it where it required regulation. Have not the public reason to blame him for not coming to parliament for a new bill, if the first was insufficient? With regard to Mr. Trotter, who is the person through whose agency the whole of this business was conducted, the noble lord would have you believe that Mr. Trotter is not a person in whom confidence ought to be reposed. He said, he knew he had some money of him, but he would have us believe it was a small sum, though he knew that Mr. Wilson drew out 40,000l. to be disposed of in a way to which I shall not allude this night, because it will be a subject of future discussion.—With respect to the money in the hands of the private banker, for which interest was paid, the noble lord says, that the reason it was so placed was owing to the circumstance of his knowing that it was the custom of the bankers of Scotland to allow interest for the money lodged in their hands. He must have known that it was not the custom of Messrs. Coutts or Drummond to allow interest, at least in ordinary transactions. In extraordinary transactions, where large balances are left in bankers' hands for a certain time, they do give a small interest while it is in their possession. I think the noble lord is sufficiently conversant with business to know what the custom is; but he states that Mr. Trotter advised him; and yet he pronounces a panegyric on him, stating that he recommended himself, by the hints he gave for the relief of seamen. All this might be very useful; but if Mr. Trotter had deceived him, he should not have continued him in office, but he should have told the right hon. gent. (Mr. Canning) that he was not the man whom it was proper to employ. The noble lord said, Mr. Trotter would have given evidence to the effect he had stated, if he had been asked this or that question, which would have given him the opportunity. He has been asked in various ways, whether lord Melville participated in the profits of the public money, and he said he never would give any account. The noble lord says, that previous to his examination before the naval commissioners, there was such a mixed account that he could not particularize it. Is there any man of common sense who will believe that Mr. Trotter could not have discriminated between the different items of the account by the mere operation of subtraction? Would the noble lord believe Mr. Coutts if he should say to him, "really I have lost my books of accounts, but I have 50,000l. of your money, you must take it as you can." Even in that case, it would be easy to ascertain the precise nature of the account. It would only be necessary to go to the different counters at the bank, and desire the clerks to write down the different balances of the public money. The result would be, that all above that would be his lordship's private property. You are told, that if Trotter's accounts are complicated, Coutts's are more so. Suppose Trotter was to ask what money he had at Coutts's, and was to be told that the accounts of the shop were so blended, that it was impossible to separate the one from the other, would Mr. Trotter believe this? Such an assertion would be fundamentally false. With regard to Mr. Trotter's fortune, it is all public money. He was a person originally not in an affluent situation. It was because he was a meritorious man that lord Melville promoted him. To what? To a salary of thousands? No, to five hundred a year only. Did that enable him to enjoy the comforts and luxuries of life, and at the same time to increase his fortune to an extent enabling him to lend large sums of money to lord Melville? It was either public money, or money illegally laid out. Lord Melville says the act of parliament is so constructed that it is impossible to abide by it. I should have said, make the act consistent. Would any one think of giving a banker's check to a poor seaman who came for a small sum of money? Certainly not. Consequently there must be money at the office for the regular payments required to be made. It would be impossible to be resorting continually either to a private banker's, or even to the bank. The noble lord had again pronounced a panegyric on Mr. Trotter: he says there was no loss, no risk in what was done. I am really ashamed to take up the time of the house in arguing this part of the case. It is the weakest part of the defence to state that it was for greater safety and expedition that the money was at a private banker's. By law it ought to have been at the bank of England; against law it was at a private banker's; the risk was therefore run by lord Melville, whose money it was not.—Before I proceed to the question of participation, I come to the losses to the public. I believe that if this trial were to go on, it would be found the public have sustained losses to a considerable amount. In one instance, there is the sum of 2000l. a year, for 16 years, the noble lord's additional salary, which has clearly been lost to the public. Why was that salary granted? It was on condition that he should not take the money out of the bank. He has violated that condition, and he ought therefore to return the salary he has received, to do that which he has not done. The subject of the navy bills will be for future investigation, when the trial is gone into. He says, there are only two persons who can give any information, himself and Mr. Trotter. He has not positively denied that he made a profit of the public money. As to Mr. Trotter, he would not inform you. He was examined two or three times. He is asked a question respecting Mr. Tierney, which he answers, and then another as to lord Melville, which he refuses to answer. He afterwards came back with a written statement of the advances to lord Melville; he has three days to consider; he makes a deliberate statement of advances of from 10 to 20,000l. Mr. Trotter is described as a person of infirm memory, but he recollects himself a little: though he said at first there were no advances, he has brought them up now to the amount of 46,000l. Lord Melville has not contradicted any of the statements made by Mr. Trotter. From what I have seen of Mr. Trotter, he is a man of infirm memory, but a person of infirm memory does not wholly forget facts. He only recollects them gradually. He is like a person who, having been in a dream, is just awake. I have no doubt, when he comes to recollect himself, but we shall hear of more, of many more advances. Before the report of the committee, there were strong grounds to infer the participation of lord Melville. It was natural to be supposed he would not have run the risk he did, or have placed such confidence in Mr. Trotter for nothing. His refusing to answer before the naval commissioners is a strong presumption. Is that done away by what he has said to-day? He has never told us that he did not make a profit of the public money. I have shewn that the presumption is strong against him; that Trotter's fortune has been raised out of the public money. From the period the noble lord went out of office to the present time, he has been in possession of 5000l. the balance of his ex-treasurership; we find his balance was not paid up. This is a strong circumstance of presumption. Another is, that before the committee of fees and gratuities in 1786, and the committee of finance in 1797, the circumstance of public money being lodged at private bankers, to increase the salary of Mr. Trotter, was not made known to the committee. There is another strong circumstance, the books of accounts being destroyed; though the noble lord dwelt on that fact with great ingenuity, he did not convince me. It is only by the trial he can convince the world that the books were not destroyed for the purpose of concealment. The noble lord says, that after his retirement to Scotland, he was in the habit occasionally of burning useless papers. He has only burnt occasionally some, and yet he knows there are none remaining. This is an extraordinary circumstance, from which I presume guilt. To whom did the papers and books belong? To lord Melville and Mr. Trotter? No, the public was the third party. It was in the books so burnt that the transactions of the navy pay-office were recorded. It is to be presumed, that if all these transactions were innocent, the books and papers would have been preserved for the justification of the person who had the trafficking with the public money. These circumstances, however, are considerably aggravated by the report of the select committee, particularly by larger advances having been made than were before acknowledged. The advances by Mr. Trotter to lord Melville were without interest; how these advances have been appropriated, lord Melville has most unblushingly told you he will not reveal. The noble lord states, they burnt the vouchers immediately after the execution of the release in which there is that extraordinary clause. He had been out of office two years before the execution of that release. Mr. Trotter had been in office up to the time without any thing to call for it; upon a sudden it strikes Mr. Trotter, that it might be necessary to exonerate the heirs of lord Melville. It is a strong presumption of guilt, that the precept for the balances of the navy were issued at this period. Mr. Trotter thought that something might come of the transactions between him and lord Melville: he went to Mr. Spottiswoode, and the release was prepared. Immediately afterwards the sympathetic conflagration of papers began: thus, what was stated to be a casual burning of papers, turns out to have been premeditated, and the result of an agreement. Is it not known that persons lose the exercise of their reason and judgment, when they have done something they are afraid of being detected in? Their fear, anxiety, and over-caution, frequently lead to the detection of what they wish to conceal. These are strong presumptions of guilt, which have been highly aggravated by the report.—There is another circumstance strongly enforcing the guilt of the noble lord, which came out in evidence before the last committee. It exonerates the right hon. gent. opposite from having known any thing of the private profit obtained by lord Melville. Who is that right hon. gent.? The brother minister and friend of the noble lord, the person to whom he ought to have revealed every thing of a secret nature; but if the right hon. gent. had known of such transaction, he would have stopped it. When the noble lord had the conversation with Mr. Pitt, he did not tell him that one of the purposes for withdrawing the money was to raise Mr. Trotter's salary. He said, he did not believe that more was taken from the bank than was necessary. The right hon. gent. placed a false confidence in the noble lord who concealed the truth from him. If Trotter's salary was inadequate, that was the time to have mentioned it; but the noble lord knew the right hon. gent. would have prohibited it, and therefore he did not tell it him. What did lord Harrowby say? His reason for not enquiring is an aggravation of lord Melville's offence. He says, that as the office was regulated by several acts of parliament, brought in by his immediate predecessor, he had no reason to suppose that any irregularity was committed. No man could have supposed it, for lord Melville concealed it till the commissioners of naval enquiry extorted it. The right hon. gent. says, he does not believe lord Melville adverted at all to the act of parliament, or thought that the practice was illegal. One would have thought, when the noble lord was so defective in memory, that he would not have destroyed those valuable scraps. Nothing is so little under control as the memory. I hope, whenever I am called upon to give my evidence, there will be some document to assist my memory. The right hon. gent. over the way, who is the brightest star of oratory, who has often surprized the house by his sudden and unassisted memory of facts, and his facility of bringing them to bear, every circumstance is brought by the effort of his memory in a focus; yet when you ask him a plain question, he says he cannot perfectly recollect. This is that which makes me lament the destruction of the papers. If all these circumstances were to go before a jury, after the noble lord has peremptorily challenged the whole array, or selected twelve men from among his own friends, I think it would be impossible for him not to be found guilty. But, what do I ask you? I know there is circumstantial evidence which is irresistible, but I know that circumstantial evidence may be overturned by a single fact. I do not ask you to convict him, but only to find a bill to put him on his trial. Let him pass on his trial. The noble lord, in his letter to the commissioners, states one reason for not giving his evidence; he premises that he has given instructions to Mr. Trotter, to disclose whatever he knew, and yet Trotter refuses to tell any thing. It is impossible Trotter should not know what he paid into the hands of lord Melville. He asserts, he never was in advance more than from 10 to 20,000l. The noble lord does not deny it in his letter; he does not deny it now: there is a mixed phraseology in his defence, between denial and avowal: the inference is, that he does not recollect. He omits saying any thing about the 20,000l. He says that the advance only happened once; Mr. Trotter states it was many times. These two persons are at variance. Let us go to trial. Here are two men accusing each other; one saying, you have made false statements, and yet who continue to panegyrise each other. There is such a difference between them, that it is a fit matter to be enquired into. We should know how far the public have been defrauded. There are various other sums in the report. I will take the 23,000l. which was lent without interest. In order to show that the money did not come from Mr. Trotter, it should have been proved whom else it did come from. There is another sum of 23,000l. advanced through Mr. Tweedy. The noble lord never tells us how or when he repaid it. I have a right to presume that it is public money. Trotter could have nothing in his possession, but the public money. That part of the transaction remained perfectly unexplained. There was direct proof that lord Melville would not even trust his right hon. friend opposite (Mr. Pitt) with his secrets when in office, as he would not inform him what he had done with part of the public money. His lordship would not have told what had become of the 40,000l. had he been asked concerning it. Was it to be supposed that he would sacrifice his private fortune for the public good? His lordship had said, that he had not employed any of the money for his own use or advantage: but I must still deny that any such inference can possibly be drawn from all the circumstances of the case. It is evident that both the 10,000l. and the 23,000l. alluded to, have been employed for lord Melville's private purposes. Even supposing that his lordship's character was spotless, and his innocence undoubted, it was totally impossible that he (lord M.) could obtain that wish which he had expressed, that his name might descend to posterity with his reputation unblemished, so long as such serious charges lay against him uncontradicted by proof, or without his being put upon his trial. If his lordship had a friend in the house—if he had a relation in the world to whom his character was dear—if he had a heart to feel what every honest man ought to feel, even although they had all shackled themselves with forms as he himself had done, his lordship ought to say to them, "get over these forms, and suffer me to go before my peers, that I may by the oaths of witnesses purge myself of such suspicion of criminality." So far from acting thus, however, his lordship has only said, "I am innocent, but do not try me." I shall leave any impartial man to form an opinion upon his lordship's character. Was it possible for posterity to come to a perfect knowledge of these transactions, when his lordship thus refused to furnish the clue to them?—I have thus gone through the most material charges against lord Melville, and if I have succeeded at all, I may assure myself that every man of honour must necessarily vote with what I am about to propose to the house. Before concluding, however, there is another charge against lord Melville, which I cannot help noticing. His lordship had obtained the sum of 24,000l. under false pretences, and under statements that could not be borne out. I shall have occasion to animadvert more fully on those matters when treating of the conduct of other individuals, which stands totally without justification. I shall at present confine myself to the case of lord Melville. Mr. Jellicoe was in the office of paymaster, or deputy paymaster, at the time lord Melville was appointed to the office of treasurer. That gent. was in the habit of having balances to a considerable amount in his custody. It struck lord Melville, in looking over those balances, that they never decreased below a certain sum. His lordship had brought Mr. Jellicoe before him, and interrogated him upon this subject. An answer was given to the questions put by his lordship, and securities were offered by Mr. Jellicoe, which appear never to have been taken. Owing to these circumstances, and his having large sums of the public money in his hands, Mr. Jellicoe had been tempted to do that which he would not have done, had not his conduct been so overlooked by those who were over him, and whose duty it was to superintend these matters. Was it not the duty of lord Melville, I must ask, on discovering the circumstances of Mr. Jellicoe's case, immediately to suspend him if he did not make good his balances? Had his lordship followed such a line of procedure on this occasion, that gent. (Mr. Jellicoe) might have lived longer, and died happier than he had done. It is alledged for his lordship, that circumstances of commiseration influenced his conduct, and prevented him from suspending Mr. Jellicoe from his office. It is not unfair, however, to argue, that the compassion of lord Melville, in abstaining from taking notice of Mr. Jellicoe's deficiency, proceeded from particular circumstances. It is stated in the evidence, that lord Melville's political and confidential friend never questioned the truth of what his lordship had asserted, nor ever called for any evidence concerning it. In the case of a political friend, it is natural to place an implicit confidence; so the right hon. gent. opposite (Mr. Pitt) took it for granted every thing was true, and adopted the plan that was first suggested to him. After searching for precedents during a period of fourteen years, none were found to justify the measures adopted. There was an intention of obtaining money from parliament to make up Mr. Jellicoe's deficiency, merely because lord Melville said that there were some hopes entertained that parliament would make his patent for cast iron more valuable, by granting him remuneration. There is another extraordinary feature in these transactions, which shews the real spirit of them. It is repeatedly said by lord Melville and Mr. Trotter, that the principal part of the balances had accrued before his lordship came into office. Notwithstanding this, lord Melville entrusted Mr. Jellicoe with 20,000l. or 30,000l. even after he discovered his real situation. At one period his lordship even suffered that balance to amount to 37,000l. On account of the statements made by lord Melville on this particular subject, it is absolutely necessary that he should go to trial upon it; for without such investigation, neither the house nor the public can be satisfied. Lord Melville said much about the manner in which he came to be treasurer of the navy, and that he did not accept of it for the purposes of private emolument. I would wish to know when it was ever established as a rule, that the office of the treasurer of the navy should always go to the person at the head of the board of control? The one office had nothing to do with the other. It was therefore solely for the purpose of emolument that his lordship had accepted of both these offices. His lordship had continued secretary of state from year to year for the space of ten years, and had at length talked of retiring to Scotland for the remainder of his life. No such thing, however, has happened. On the first dawn of an alteration in administration, up comes lord Melville from Scotland, with 40 or 50 proxies, saying he was not too old or infirm to stand candidate again. His lordship must have known well, that his right hon. friend opposite could not spare him. It is evident that he procured the office of treasurer of the navy merely as a sinecure, for the purpose of deriving certain profits. This, upon trial, will be proved to satisfaction.—There are several objections urged against the further prosecution of lord Melville. I say he has not been punished for any of the acts he has committed. Had no fresh evidence come out on the further investigation of the 10th report, I should not probably have called on the house to inflict any additional censure or punishment. I feel it however to be my bounden duty not to propose a conviction and punishment, but only to ask that his lordship be put upon his trial. In laying this matter again before the house, I fully relied upon the support of his friends, on account of such a motion being the only means of proving his lordship's innocence. It is no doubt somewhat unfortunate, that when we are so much occupied in considering of the means of defending ourselves from the attacks of foreign enemies, we should also have occasion thus to distract our attention to other matters; but, notwithstanding all I have heard argued upon the necessity of leaving off all other considerations than our national safety and defence, I know, and am convinced of the fact, that no time is so proper for trying delinquents as the present time, or the moment their crimes are committed. If any delay is occasioned, delinquencies will never be tried at all. If we are occupying ourselves with minor considerations, instead of great concerns, the fault attached to those delinquents themselves who had so offended. With regard to the length of time that may be occupied in such an impeachment, I shall only say, that so far as depends on me, no delay shall be occasioned. The matter lies now within a very narrow compass, and the whole business may be accomplished within a very short period. In the case of lord Macclesfield, the space of 25 days was only occupied in proving his guilt upon his trial. In the present case, perhaps, a similar period might be occupied, so that the loss of time cannot be deemed very material. Some talk of the expences that would be necessarily incurred. This, however, is a very absurd consideration. If we are too poor to be robbed, we are not too poor to demand justice. No sum of money would be too great for accomplishing the punishment, or establishing the innocence of lord Melville. His lordship has dwelt on his greatness; he has been raised to another house of higher dignity than this; that he has not been raised to that dignity by a monarch whom he has deceived and betrayed, is an object worthy of being ascertained. He is a new peer, raised to that dignity under a minister, now a member also of the same house (lord Sidmouth), of whom I will say, that he never would have advised his majesty to raise lord Melville to that dignity, had he known of the transactions now known to the house of commons. But if a peer is disgraced by his practices, it ought to be known to that house that he is a disgraced man. Such a character is not meant to sit there. I will not move the articles of impeachment now, but shall content myself at present with moving, "that Henry lord viscount Melville be impeached of high crimes and misdemeanours."

Mr. *Bond*, after expressing his agreement in opinion with the hon. gent. that some farther proceedings should be taken in this affair, declared his dissent from him as to the mode which he proposed to pursue; to which he should therefore offer an amendment. The proceedings of the house in this business seemed to have become somewhat embarrassed, and, with the leave of the house, he would take a short review of them. When the hon. gent. first brought forward his motion for a censure of the conduct of lord Melville, he had voted against it, because he considered it as premature, and that it was not founded on a knowledge of all the circumstances of the case. The motion, however, for censure had been carried. The next step was the appointment of a select committee to investigate closely the allegations of the tenth report. Restrictions were imposed on that committee, satisfactory, no doubt, to those who proposed them, but quite the reverse to him. The question that then came to be discussed was, whether a civil or a criminal prosecution should be instituted. Resolutions of censure had already been passed against lord Melville. He could not agree with those who asserted that this was no punishment of the noble lord; he should think himself wanting in respect to the dignity of the house, did he agree with them; for his part, he should consider the expressed disapprobation of the house, as one of the greatest calamities that could befall him. After this, lord Melville resigned his high situation as first lord of the admiralty; and here again he must differ from those who asserted that this was not the necessary effect of the vote of censure. The striking off the noble lord's name from the list of the privy council was unquestionably the effect of that vote. Under these circumstances, feeling that this punishment was in itself severe, and being satisfied that if the ends of justice were satisfied, the most lenient modes should be adopted for that purpose, he supported the motion for a civil process, because that was the milder measure. The question now was, is there not new matter sufficient to warrant a different mode of procedure from that originally adopted? He contended that the circumstances recently disclosed were not only new, but in a much higher degree criminating than any that had hitherto appeared. They proved decidedly the participation of lord Melville in the profits made by his agent. In the first place, 10,000l. which lord Melville avowed to have been expended in the secret service of Scotland, and which he declared, on being questioned as to its application, that no human power should wrench it from him; was that a satisfactory answer? was is not rather a most dangerous precedent? and who could say at what point it might stop? Did the noble lord lend this sum, or give it away? If it was a gift, when was it repaid? If it was a loan, how was it possible, whatever curious and delicate circumstances might have attended the transaction at the time in 1796, that so many years should have elapsed without allowing of its being divulged? At a subsequent period there was a sum of 11,000l. unaccounted for. Were these not new facts? The charge was not that lord Melville had been a gainer by any particular speculation, but that the public money had been generally diverted from its proper course, from which he had derived advantage. It was proved by evidence, that money had been so diverted, that the noble lord had laid his hands on it, that it had come into his possession, and it was but fair to conclude, that the charge of profiting by it was established. These two grounds were a sufficient justification of a criminal prosecution; but there were other strong facts in reserve. The hon. gent. adverted to the conversation between Mr. Pitt and lord Melville after the communication made to the former by Mr. Raikes, and reprobated the conduct of lord Melville in concealing the truth from his right hon. friend. It was impossible to blame that right hon. gent. for allowing himself to be deceived; he had many things of great importance pressing on his attention, and was obliged to place implicit confidence in those with whom he acted. No blame therefore attached to him, but very serious blame to the noble lord. When he practised that deception he knew that he was in the wrong, he knew that if the real state of the case was explained, the person to whom he was addressing himself would have effectually prevented the recurrence of such abuses.—Another strong fact was the circumstances attending the exchange of releases between lord Melville and Mr. Trotter. The noble lord pretended to say, that had it been his interest to conceal any part of this transaction, it would have been absurd to display it as he had done. But the display had not been very great. Neither Spottiswoode's partner nor clerk knew any thing about it; and as to the registration, it was notorious that were the foulest conspiracy that could pollute parchment sent to be registered, so indifferent were the clerks to what passed through their hands, that it would stand as little chance of becoming public as if it had been done in a foreign country. The date of this release created more than ordinary suspicion. The act instituting a commission of naval enquiry passed on December 29. The first precept of the commissioners was dated the 17th of the succeeding January; the second precept the 2d of February; and the release was signed by lord Melville on the 18th of the same month (hear! hear!). Immediately after we find the noble lord busily employed in destroying papers, &c. If all this was innocent, if it were merely the effect of chance, then was the noble lord the most unfortunate of men; but a coincidence so extraordinary required a great deal more explanation, and till that explanation was given, the impression on his mind, and on that of every honest man must be, that there existed grave grounds of doubt that it was not entirely the result of accident. Let it be remembered, that all he wanted was further enquiry. If the noble lord could acquit himself of the imputations on his character, he vowed to God he had no friend who would rejoice more sincerely than himself; but in the mean time, he felt it to be his duty to send him to that enquiry. The proceedings ought certainly to be criminal, but he differed from the hon. gent. opposite as to the mode. There were two modes,—impeachment, and a criminal prosecution by the attorney general. In the present instance he should prefer the latter. Some cases were more fitted for the ordinary courts of justice, others for a high and enlightened tribunal. If impeachment was more dignified, it was likewise more cumbrous and expensive. Of this we had had many proofs. Would to God that one of them (the trial of Mr Hastings) could be blotted from our annals! Nothing human could be more perfect than the administration of justice in the ordinary courts of Great Britain, and he trusted he should not hear any objection to the proposition, on the ground that the prosecution was under the management of an officer of the crown, when the high character of the attorney-general, for honour and integrity, was considered. Although the hon. gent. had hinted the propriety of suspending the civil suit now carrying on against lord Melville, he had not made a specific motion to that effect. He would therefore insert it in his amendment, which would then run thus:—"That his majesty's attorney general be directed to prosecute Henry lord viscount Melville for the several offences which appear, from the report of the commissioners of naval enquiry and that of the select committee of the house of commons, to have been committed by the said Henry lord viscount Melville; and that the attorney general be directed to stay proceedings in the civil suit, instituted by order of the house, against the said Henry lord vicount Melville."

Mr. *Whitbread*, in explanation, observed that he meant to propose the suspension of the civil suit, if the impeachment should be carried.

The *Master of the Rolls* did not think it necessary to take up the time and attention of the house with entering into a detail of all that had already passed upon the case now before the house. But he would ask, was it not an object worthy of the attention of the house, that a notice had been publicly given of a motion to remove lord Melville from his majesty's councils; and that that motion, or the effects which might possibly flow from it (an additional censure and a punishment, in consequence of the proceedings of that house), had only been prevented by the advice which his right hon. friend (Mr. Pitt) had given to that effect, and that his majesty had actually erased the name of that noble lord from the list of his privy counsellors? Was it not an object worthy of the attention of the house, that lord Melville had resigned a most principal and ostensible situation in the government of his country, in consequence of the determination of that house? Were not the resolutions of the 8th of April still unreversed; and were they to add the resolutions now proposed, to the punishment which he had already received? If the motion for an impeachment had taken precedence of the other proceedings, it would have been impossible, according to the regular proceedings authorized by the constitution of the country, to have added the former proceedings to that which is now proposed. By parity of reasoning, if not strictly speaking contrary to the forms of our law, it would be, strictly speaking, according to the principles of justice, repugnant to all idea of equity and fair reasoning, that the two modes of punishment should be inflicted in this inverted order of proceeding. The only case that he recollected in which any thing similar was attempted was in that of lord Somers and three others. According to Bishop Burnet, it was evident that an address to the throne and an impeachment were moved upon the same case. The lords, however, differed in opinion from the commons, and thought that it might be deemed a bad precedent; they sent up an humble address to the throne, expressive of these sentiments, and the sense of the public appeared to go with them. The sovereign also refused to give his sanction to such an extraordinary mode of proceeding. Upon comparing that with the case now before the house, or at least with the proceedings had upon it, it would be recollected, that at first a vote of censure was passed upon the conduct of the noble peer who had been that evening heard in the body of the house in his own defence; the next subject of debate was, whether a criminal or civil prosecution should be instituted against him, and after that a committee was appointed to make further enquiries into the circumstances of the case; but that committee was precluded from any investigation as to the participation of the noble lord in the profits of public money, which, according to the terms of the resolutions, had been misapplied. Something, however, had incidentally come out which appeared like a proof of his participation, and the hon. gent. who had opened the debate had reserved himself to the present opportunity of bringing that before the house. But he could assure the house, that no positive evidence to that effect had appeared before the committee, although there were grounds for conjecture, principally arising from the idea of the commixture of accounts, and from the circumstance of papers having been burned which were at that time supposed to be useless. But there was no additional evidence as to these points. The circumstance of a release having passed between the parties, he conceived to be the only new point that was now brought forward; and, as far as any man could positively take on himself fairly to say, lord Melville might have been unacquainted with the minute clauses, or precise terms, of that release, though he knew, generally speaking, that a release was to be executed, and signed it in perfect confidence on the propriety of conduct of the party from whom it came. In such a case, it was necessary either to settle accounts and give up vouchers, or else to destroy them generally. The latter course was adopted; and as he was confident that, before any grand jury, that would not be sufficient evidence upon which to find a bill, he could not be induced to think that such a circumstance would form sufficient ground for that house bringing up an impeachment to the bar of the higher chamber of parliament. The hon. gent. who opened the debate had nevertheless thought that it afforded the strongest authority for the adoption of such a measure, and had given three principal reasons in support of his opinion. But, when the house came to consider of the first of them, namely, the charge of a breach of law by the manner in which he had applied the public money, they would find themselves under the necessity of revising their former proceeding before they could be enabled to come to a fresh determination upon that point. In fact, before the year 1782, it was a question which admitted of some doubt, whether the application of public money, in the manner which had been stated, was not to be considered the fair emolument of office; and even on a consideration of the act of drawing money from the bank, it did not appear to him that there was any thing criminal within the meaning of the act; there was no mention made about where the money was to be deposited after it was drawn from the bank, whether it was to be lodged in the strong chest at the navy office, or whether it might not be placed in the hands of the most convenient banker. But admitting to the full extent the idea of criminality as expressed already by the house, and to which determination it was his wish to pay the utmost possible respect, was it not to be recollected that the house had already made its option, that it had adopted a certain line of proceeding; that lord Melville had been already punished by the erasure of his name from the councils of his sovereign, by his loss of place, and by his future disqualification from holding any place of public trust in consequence of such proceedings? It was not proposed to undo the former part of his punishment, and it was contrary to all principle of law to punish any person a second time for the same offence. All punishment was inflicted for example's sake; and would any man presume to suppose that it was at all probable that any future treasurer of the navy would say, that the punishment of lord Melville was nothing, that he might follow a similar course with safety, provided there was no danger of an impeachment?—There was one point of the speech of the hon. gent. who made the motion, however, on which he thought it would be necessary to make a single remark; it had been stated that the noble lord had challenged the whole country as unfit to sit upon his jury; that there was not at present any tribunal which was likely to come to a fair, dispassionate decision on his case. Was it of slight consequence that the commons of the united kingdom had come to a decision that he had been guilty of a gross violation of law, and a high breach of duty? was it of slight consequence that meetings had been held in various parts of the country following up such a declaration? was it of slight consequence that peers of parliament had lent the sanction of their names to resolutions of a similar nature; or could any reasonable man suppose that it would be in the power of any individual whatever to do away the impression which would be made upon the minds of all classes of his majesty's subjects by the authority of such resolutions, or by the force of such examples? If any tribunal, however, could be chosen which was more pure than another, it was the assembly in which the subject was then discussed; they were not tied down by the forms of ordinary courts of justice; they were a discretionary court, and they would know how to appreciate the value of what had already passed, form a correct and impartial judgment as to what lord Melville had already suffered, and he had no doubt that they would, by a fair comparison of the nature of the charge with that of the punishment which has followed, very readily decide whether the noble lord has not been already punished in a proportion adequate to his offence, or whether there is a foundation in justice for bringing him to a new trial. To those who thought that lord Melville had, in the first instance, deserved to be impeached, he supposed it must now be clear that any further prosecution would be vexatious and unjust.

Earl *Temple* observed that the right hon. and learned gent. had chiefly rested on a comparison between the proceedings on the case of lord Melville with the ordinary course of proceedings in a court of justice, though he had admitted what constituted the most essential part of the difference between the proceedings in that house and those of a court of law, that is, that while the latter are confined by rules of law, the power of the former is discretionary. This was an argument why they should not be supposed to be fettered by any thing of adherence to the dry forms of law which might, in some instances, be favourable to the rejection of a charge on which the criminal ought, in strict justice, to be found guilty and to receive the punishment of the law. The learned gent. however, could not wish that the noble lord should be freed from the charge which lay against him by any fiction of the law; it must be his wish that his lordship should be acquitted in a more honourable manner. For this reason, he supposed, he had quoted the case of lord Somers; but he had entirely omitted to notice the distinction between the two cases. In the case of lord Somers there was an address sent up to the throne, and an impeachment to be moved for in the house. In the case of lord Melville the house had only determined what appeared to them to be the nature of the offence committed by lord Melville, and left the sovereign to the exercise of his own feelings, without calling upon him for the expression of any opinion which might possibly be supposed to have weight in any other place. The learned gent. had mentioned in another part of his speech, that there was nothing new in what now appeared before the house. Was it not something new that the noble lord had himself acknowledged that he might have applied a considerable sum of money to the management of affairs in Scotland, and that he had added, that he would not on any account divulge the nature of these transactions? Was it not of serious importance that the noble lord had not related the whole of another transaction when questioned by the chancellor of the exchequer, but had concealed a part, even from him? And, with respect to the law, though it did not precisely state where naval money was to be placed, in transitu from the bank to the hands of those who had demands upon the navy office, it stated clearly enough where it was not to be; it was not to be placed in the hands of Mr. Mark Sprott, or subjected to the control of Messrs. Coutts. He trusted the house would not lose any thing of its dignity by giving up a prosecution in a case where corruption was notoriously apparent, and where statutes were laid aside as useless lumber.

Mr. *I. H. Browne* observed, that he had voted for the resolutions agreed to by the house, which contained so severe a censure on the conduct of lord Melville, and which were followed by the more degrading stigma of the erasure of the noble viscount's name from the list of the privy council;—whether, by these proceedings, the noble lord had been sufficiently punished or not, seemed now in a great degree to be the question. The punishment, in his opinion, was extremely severe, but, perhaps, not more so than the nature and extent of the crime demanded; but, surely it might reasonably have been expected, that the punishment would have ended there. It is said, however, that new matter of charge has since arisen, and that consequently additional punishment should be inflicted. Here he thought there was much room to doubt; the new matter so much spoken of seemed to him to consist of suspicions, which must have been considerably done away by the speech of the noble viscount, in which it was but candour to say, that there was a great deal to alleviate, little or nothing to aggravate his offence. He should not negative the measures now proposed because he thought that the offence of the noble viscount was of a light nature, but because nothing new had been proved, and because, under all the circumstances of the case, he thought the punishment already inflicted perfectly adequate to the offence. The house should not forget the perilous state of the country, the menace of invasion that hung over it, and the other serious exigencies that claimed their attention. Nor did he believe that the public looked for any thing more than had been done by the vote of the 8th of April.

Mr. *Hiley Addington* declared that he was proceeding to execute the most painful duty, that in the whole course of his political life he was ever called on to perform; because he could not divest his mind of a just consideration of the great services rendered to his country by the noble person who was in this instance the object of accusation, and because he could never cease to remember the many marks of private friendship and kindness, of unremitting attention, which it had been his fate to experience from that noble lord. These were considerations which could not be obliterated from his mind by any circumstances whatever. But still they must yield to a sense of public duty. After the very ample and able view which had been taken of the whole of the case by his right hon. friend who moved the amendment, in all whose sentiments he entirely concurred, he did not feel it necessary long to trespass on the attention of the house. To what had been urged by his learned friend on the floor (the master of the rolls), and also by the noble lord who was heard that night in his own defence, he had listened with the utmost attention, and he confessed, that for the first time in his life, he was not convinced by his learned friend. When the first proceedings were taken against lord Melville, when the criminating resolutions were proposed, his wish was to have the whole of the case referred to the examination of a select committee, before the house should come to any decision upon it. But in that it was his misfortune to differ from a majority of the house, and to the vote of that majority he bowed with deference. He could not, however, forbear to remark, that if one were allowed to judge from events, had the course then recommended to the house been adopted, this consequence at least would have resulted, that the whole of the charges would have been referred to a committee, which would have gone into the investigation unfettered. There would have been in that event no pretence, and therefore there could be no wish or intention, to subject the committee to any restriction. The house having come to no determination upon the case of lord Melville, the house of peers could have had no reason to hesitate in allowing that noble lord to attend a committee of this house, and to submit to an unrestrained examination. The restraints since imposed on lord Melville were, he fully believed, founded on the criminatory resolutions of the 8th of April. If it had been the pleasure of the house to pursue a different course, he was persuaded that considerable embarrassment would have been avoided in the prosecution of the enquiry. But it did not however follow, that because there might have been something erroneous in the beginning of the business, that therefore the house should stop short in the performance of its duty. If no farther steps were taken, he could not but say that full atonement would not be made to public justice. When gentlemen stated, that justice was already satisfied, and that it was not intended to follow up the delinquency of the accused beyond the resolutions of the 8th of April and their consequences, he felt some degree of surprise. Unless it was in contemplation to take further proceedings, in case any new matter of crimination should appear, why refer any charge to the consideration of the select committee? Unless something more was intended, the purpose of the select committee was quite nugatory. From the new matter which the report of that committee had disclosed, further proceedings appeared to him indispensably necessary. It was next to impossible that the civil suit which had been ordered by the house could lead to any satisfactory result, and therefore he should support the criminal process recommended by his right hon. friend. This process he would prefer to the proposition of impeachment, for the reasons stated by the right hon. mover of the amendment. He would prefer it on these grounds, that it would be more convenient, while it was equally calculated for purposes of justice; that it would be as efficacious in its enquiry, while it would be attended with less expence, and more expeditious in its decision. If, however, the criminal prosecution which the amendment proposed should not be acceded to, he was free to declare, that under the circumstances, he saw no alternative left but to vote for the impeachment. The right hon. gentleman concluded with repeating, that he felt the utmost pain from the irresistible necessity he was under, on this occasion, to sacrifice private feelings to the call of public duty.

Mr. *Alexander* argued the question upon grounds principally legal. He contended that the mere using of money in the hands of a public accountant, was not considered by our constitution as an offence *malum in se;* otherwise lord Melville was only equally culpable with the ancestor of Mr. Fox, and other prior paymasters. He argued that it was not an offence at common law; consequently, it was to be considered as a breach merely of a remedial statute, the object of which was, as the noble lord at the bar contended, principally to guard against lengthened accounts and combined responsibility, and the pretences of holding over public money founded upon such responsibility. In that point of view the noble lord had, as speedily as possible, paid over the balance to his successor. Other gentlemen argued the object of the act was to guard against possible loss to the public by individuals speculating with public money. If they were right, he admitted the act had been infringed, but contended, in a case between individuals, it would be a civil injury, to be redressed by a civil action only. He contended that statutes only prohibitory of what was not wrong in itself, or contrary to the common law, when not clothing themselves in the sanction of a penalty, as appeared from the managers against lord Macclesfield's admission, did not justify the commons in impeachment. If, however, lord Melville's case was taken out of this construction, by his being a public officer, he contended at large, that dismissal from office, and the restitution sought through the attorney general, was the adequate punishment and proper mode of redress to the public.

Mr. *Wilberforce* rose, and suggested the propriety of an adjournment, from the state of the debate and the lateness of the hour (twelve o'clock); a loud cry of "go on! go on!" followed, and the hon. gent. did not persevere.

Mr. *Pytches* rose, and stated, that according to his opinion lord Melville would have done better had he intimated to some friend of his to tell the house that he acknowledged he had done wrong and was sorry for it; instead of coming forward himself to make a speech, in which he most pertinaciously asserted his innocence, and shewed not the least sign of any remorse of conscience. Had he manifested any thing like repentance, even though so late; had he even appealed to the feelings of the house, he might have met compassion. But from the whole of his demeanour, combined with all the circumstances of the case, he really thought him entirely undeserving of lenity, and should therefore vote for the impeachment.

Mr. *Somers Cox* declared, that although he had no acquaintance whatever with the noble viscount, yet he felt as much for him as any man could for another when he saw him at the bar of the house that evening. But, however deeply he might be impressed with the melancholy situation of lord Melville, he had a paramount duty to discharge, which prevented him from being led away by his feelings. He could not therefore agree that the noble lord had been punished sufficiently, for though some honourable members entertained that opinion, what was the fact? The noble lord did not speak as a man who acknowledged the justice of the proceedings had against him; but, on the contrary, he said, that the day might come when his innocence would be established, and testified by posterity. Good God! see what was the situation of the country. Were not the people groaning under the severest taxes, which they bore with patience and resignation? Should the house, at such a time, let the noble lord off, without coming to any resolution of confirming his guilt or establishing his innocence? When the tenth report of the naval commissioners was fully examined, the facts which it stated must convince the mind of any man that the strongest suspicion ought to attach to lord Melville. In addition to this, when he looked at the proceedings of administration, who endeavoured (he lamented to say) to sustain the noble viscount; when he considered that the right hon. gentleman (Mr. Pitt) recommended to his majesty to expunge the noble lord's name from the privy council book, what, he asked, but the strongest suspicion of guilt could induce such a severe proceeding on the part of his right hon. friend and colleague? The report of the select committee stated that the noble lord had 10,000l. of the public money in his hands, before the paymastership of Trotter, and subsequently to that the use of 11,000l. more, beside the money of the floating account, for which no interest was paid. Under these circumstances, how could he vote in any manner, but to ascertain those facts, and satisfy the public expectation? It must appear to the house that the matter was too momentous to be treated lightly. He heard it argued since he came to town, that former paymasters used to convert the public money to their own private emolument; but this was no justification, for nothing could be clearer that the practice was wrong than the enactment of a statute to prohibit its continuance. He also heard it said, that this was persecution and party matter; if he considered it in that point of view, he would be the last man in the world to support such a cause. When this conduct was imputed to opposition by the other side of the house, they ought surely to consider how far the charge was founded. It might be asked, was there no appearance of party on the ministerial side? He thought there was, and much more the appearance of it with them than with those termed the opposition. Under all the facts and circumstances of the case, he felt himself called on, in duty to himself and the country, to vote for the motion of impeachment.

Mr. *Cartwright* thought the object of public justice, whether for the purpose of example or punishment, already attained with respect to lord Melville, and therefore would oppose any further proceedings in this case.

Lord *Henry Petty*, in reply to the observations made by the master of the rolls, said, that both the noble lord who had appeared within the bar, and the learned gentleman, had, in fact, impeached the resolutions of the house by the manner in which they had attempted to reason on the construction of the act for the regulation of the navy office. It was to be remembered, that that act had been brought into the house by lord Melville himself, and there could be no doubt on any man's mind as to the true intent and meaning of the act, when they looked back to the circumstances under which it was introduced. It was after the resolutions moved by lord John Cavendish, after the memorable speech of Mr. Burke on the reform of the abuses of office, and after the various discussions that took place thereon, that this act was passed, and the distinct motive and end of it was, to prevent public officers from being private bankers, and to prevent the diversion of the public money to the purposes of private emolument. It was an act to remedy a grievance that had prevailed, and which was universally felt at the time as a gross abuse. The noble lord therefore, who yielded to the public sentiment in bringing in the bill, could not be ignorant of its true meaning, and it was idle to talk of its provisions not having been violated, because it did not specify how long money drawn for specific naval services might be suffered to remain in the hands of the paymaster, in its transit from the bank to the pocket of the public creditor. It was obviously the spirit and letter of the act, that no money should be drawn but for specific services, and that it should be applied directly to the object. The simple question then was, whether this law had not been violated? Whether in various instances it had not been distinctly evaded—such as in the 40,000l. drawn for and given to Messrs. Boyd? And he asked how the learned gentleman could reason, that the law had not been broken when a fact so glaring stood uncontradicted? In truth, not the least palliation had been offered by the noble lord; nor did there appear in any part of the case any thing to support the reasoning of the learned gentleman. He was ready to confess that there might be circumstances attending the breach of a statute which might palliate and soften the departure, and to which the charge of a gross violation of law would not be applicable. A statute might be obsolete, or peculiar exigencies might arise to justify the departure from an act: but was this the case here? The noble lord had wilfully violated his own law, and in doing so he had been guilty of a high breach of his public duty. These were the resolutions of the house, and the truth of these resolutions could not be impeached. But the learned gentleman asked, why the house should go further, since no new circumstances had come out except the release? What, was the 22 or 23,000l. advanced to lord Melville without interest no new circumstance? Was not the 22 or 23,000l. lent him, with interest, a new circumstance? and above all, was not the extraordinary fact of the 10,000l. found in his hands in 1789, a new circumstance? Was it not a new circumstance that Mr. Trotter had advanced money to lord Melville's family and servants, since it must be known to the noble lord, that all such advances were made from the public money? Certainly most important matter had come out in the new enquiry, and above all he requested the house to pay attention to the discovery of the 10,000l. which lord Melville owned to Mr. Trotter he had in his hands. Mr. Trotter was taken up by lord Melville, no doubt, in a state of purity and innocence. He was unacquainted with the arts of office. He had a fair character, and it was to be presumed a clear conscience. In the duty that he owed to his patron, he would naturally look to him for instruction, but he would look also for example. And what was the example he set him? He confessed to him, he held 10,000l. of the public money in his own hands, and which was to be managed so as ultimately not to fall on Mr. Trotter. What a declaration with which to commence this connection! It is the prerogative of persons of high rank and station, to spread the influence of their example all around them. When such a hand as that of lord Melville was put into the public purse, a thousand hands would imitate the example. When Mr. Trotter saw that his principal was so little scrupulous as to take 10,000l. out of the money intrusted to his care for his personal use, he must be from that instant initiated in the abuse of his trust. The noble lord had that day pretended that 20,000l. which he had also taken from the naval fund, he had employed in secret services for the management of Scotland; and he had, with a high tone, declared that he never did, and he never would communicate the application of this sum. At the time that the noble lord had presumed to do this, he was not in the situation of a confidential servant of his majesty. What were they to say then of this management, which was not even to be communicated to his principals? He violates the law; he diverts from the naval service 20,000l. which he must have obtained by a false pretence, and he loftily says, he will not disclose what he did with it, because it went for the management of Scotland. Not even to the right hon. gentleman, the confidential minister of the crown, to whom it was his duty to make known the transaction, did he communicate the use; for the right hon. gentleman owned that he was ignorant of it. Like the man of Ross, he seems "to give by stealth;" but perhaps he now blushes "to find it fame." It was not, however, precisely the sort of fame which a statesman ought to covet—to give away the public money to unaccounted purposes. It did not appear that any hint of this sum was ever given to any one, nor did it appear that the 10,000l. was ever repaid. Indeed all that regards this 10,000l. was most suspicious. His words to Mr. Trotter, on the occasion of his telling him of his having the money, are most singular. He expresses to him his apprehension that he, Trotter, may ultimately suffer; and thus he put Mr. Trotter on his guard, and gave a sort of hint that he must take care of himself. Here perhaps was the source of all the traffic, and speculation, and jobbing that followed, and particularly of that most notable novel discovery in book-keeping, known by the name of a mixed account! But it was said, that an impeachment before the lords was improper in this instance, because several of them had made declarations on the guilt of the noble lord, and at public meetings had prejudged his case. This was very idle. What great prosecution was there ever carried on, upon the merits of which, before trial, persons liable to be impannelled as a jury were not in the habit of conversing, and of giving their opinion? No great case could occur, but it would be the topic of discussion; and it was no argument against a fair trial, that it was freely canvassed beforehand. But a learned gentleman (Mr. Bond) had thrown out an intimation as if there was something in the mode of impeachment which made the house of lords an unfit instrument for a trial, and he referred to the dilatory, protracted trial of Warren Hastings. Lord Henry contended that this was an argument against the constitution of the country. The argument of protraction in one case did not apply to another. There never was a case more suitable to impeachment than the present:—a minister of the crown, a public accountant, a peer had violated an act of parliament of his own making, had committed a high breach of duty in using the public money for his own emolument, or at least there was strong presumption that he had done so. Then by whom could he be properly tried but by the house of peers? By whom could he be properly pursued but by the house of commons, the guardians of the public purse, which he had dared to violate? But it was said by an hon. gentleman (Mr. Hawkins Brown) that there were other reasons against further prosecution, and he mentioned one, the menace of invasion! What, said lord Henry, would the hon. gentleman insinuate, that such is our dread of the enemy that we must not even dare to proceed in the administration of our own laws for the preservation of public morals! What would he say, on reading a paragraph in the Moniteur, that such was our dread of invasion as to desist from pursuing a state delinquent! Lord Henry put this in a strong point of view, and concluded with an animated appeal to the house not to disappoint the expectations of the people, which their steady and vigorous conduct in the outset of this affair had so happily raised.

Mr. *Wilberforce* rose, and suggested the propriety of adjourning the debate. He observed, that there were a great many gentlemen anxious to deliver their sentiments on a subject of such material importance; and the lateness of the hour (half past two o'clock), he thought, would be a sufficient inducement to adjourn; especially when it was recollected, that by lengthening the present discussion a few hours, no good would be obtained, as every gentleman could not be able in that time to deliver his sentiments.

The *Chancellor of the Exchequer* rose, and urged the same reasons as Mr. Wilberforce, for an adjournment, to which effect he concluded with making a motion, which was unanimously agreed to; upon which the house adjourned at three o'clock on Wednesday morning.

HOUSE OF LORDS.

Wednesday, June 12.

[Teush's Divorce Bill.] Previous to the order of the day for going into a committee upon the case of Mr. justice Fox, their lordships resumed the consideration of the bill to divorce Mr. Teush from his now wife, and counsel and evidence were further heard. This principally respected the present situation and circumstances of Mr. Teush, with a view to his ability to pay the alimony of 200l. per ann. awarded Mrs. Teush by the ecclesiastical court; and evidence was adduced respecting the proceedings adopted at Doctors' Commons, respecting a due payment of the same.—It being proposed to adjourn the farther consideration of the case till Monday,

The Earl of *Carnarvon* made a few remarks on the occasion, and suggested the propriety of summoning their lordships upon the farther consideration of the bill.

The *Lord Chancellor* said, it was not necessary to make a distinct order to that effect, as it was the usual custom to summon the lords on occasion of divorce bills. He, however, should prefer that that practice was discontinued, inasmuch as it was not properly attended to. The general subject to which divorce bills referred, was one of the greatest importance to the religion and morals of the country; and yet interesting questions arising thereon were often left to be discussed by not more than three peers. He agreed with the noble earl who had just spoken, that all those should attend on the discussion of the present bill, whose attendance was useful. The present bill was one of great and peculiar importance, and he was afraid it would become his painful duty to resist the second reading of the bill. After some further observations from the noble and learned lord, and a short explanation from the earl of Carnarvon, who seemed to express himself in favour of the measure, the further consideration of the bill was postponed till Monday.

[Conduct of Judge Fox.] The order of the day being read for their lordships going into a committee for the further consideration of the matters alledged in charge against Mr. justice Fox,

The Marquis of *Buckingham*, in reference to the pending case of that judicial character, begged leave to call their lordships' attention to the circumstance of an act of the Irish parliament, made in the second year of the reign of Geo. I. The benefit of the laws of that part of the united kingdom, though, in some instances, separate and distinct from those of England, was fully secured to the people of Ireland, by the act of union. He collected, on former discussions, from the noble lord on the woolsack, and from other high law authorities in that house, that in a case of the peculiar importance of that adverted to, the proceedings of that house should, as far as could properly be had, be analagous to the course of proceeding, and the practice of the courts below. On that general ground, he conceived it would be proper to render their relevant proceedings analogous to those which obtained, under an Irish act of parliament, in an Irish court of justice. He had entertained hopes that the learned counsel would have saved him the trouble of making these observations; that not being the case, he thought it might be expedient, that (if what he stated was worthy of attention) the attention of their lordships, and the learned counsel, should be called to it in this way; they would recollect, that the principal part of the charge under consideration consisted of allegations of words spoken by Mr. justice Fox. The act to which he referred, took its rise from a particular occasion, connected with the conduct of a person then executing the office of the highest trust and respectability in Ireland. It provided, that no person, after the 24th of June, 1796, should be prosecuted for words spoken, unless information was given upon oath thereof, within a given time, &c. He was aware this could be no rule as to their lordships' parliamentary proceedings; but he submitted the consideration, how far, in a case of such peculiar nature as the present, occurring in that part of the united kingdom, and where a question for an address for removal was pending, and considering what undoubtedly would be the practice of an Irish court of law under the statute, the operation of that act was worthy of attention with respect to the case of the learned judge. His object, in addressing their lordships on the subject, was, that the learned counsel might have an opportunity of considering the operation of the statute alluded to, and their lordships of giving that degree of attention to it, that they should think proper.

The *Lord Chancellor* observed, that an opinion naturally could not be expected from him, whether the learned counsel were aware of the statute alluded to by the noble marquis. With respect to the provisions of the act, he thought they could only apply to those proceedings mentioned in the enacting clause. With respect to the conduct of the learned counsel, in reference thereto, he observed, that if they should think proper to ground any question arising out of the statute, it would, no doubt, be duly attended, and fairly considered by the house.

The Marquis of *Buckingham* explained that by the declaration of the noble lord on the woolsack, his purpose in addressing their lordships was fully answered, from the moment it was understood that if they thought the provisions of the act alluded to worthy of their attention, they should be entitled to argue upon them.

Mr. justice Fox then made his appearance; the counsel on both sides having previously been at the bar, and the witnesses in attendance, the learned judge took his seat on the left, within the newly-erected inclosure below the bar, and the examination of evidence began.—The first witness brought forward was Mr. Deering, a gentleman of the Irish bar, who had been present at the greater part, if not the whole of, the trial of Fletcher, Sharp, and Keeys, for murder, at the autumn assizes in 1803, for the county of Fermanagh. It was with respect to the conduct of Mr. justice Fox, principally relative to the jury on that trial, that the article of charge, at present under consideration, was founded. The account given by the witness differed very little, as to the material substance, from that given by one of the former witnesses. As the present witness was proceeding in his statement of what had been said by Mr. justice Fox on the occasion; Mr. Adam, leading counsel for Mr. justice Fox, interposed, and observed, the witness had gone, and was going into a detailed account from his recollection of what Mr. justice Fox said to the petty jury and to the grand jury, and on different days; this, when it was considered, that the words alledged to be spoken may be of a criminating nature, involved some degree of embarrassment. Some of their lordships were acquainted with an act of the late Irish legislature, containing certain provisions, which, as going to affect an examination, such as that before them, might be matter of serious consideration. Upon this ground, he felt a degree of embarrassment, and he wished to submit to the consideration of their lordships, whether, in the situation in which he stood, the act of the Irish parliament alluded to, being new to him, he could be duly prepared to observe upon the question arising out of it, in the way in which it ought to influence the minds of their lordships; a case, where the words alledged, of a criminatory nature, were spoken a considerable time back.—After a few words from Mr. Romilly,

The *Lord Chancellor* directed that the statute book, containing the Irish act alluded to, should be handed to the counsel for the learned judge.—After running over the act, Mr. Adam continued. He wished that his embarrassment was removed by a perusal of the act. In the preamble it was set forth, that, whereas there was no time limited by law for the prosecution of persons for words spoken, &c. great inconveniencies had taken place, which would not have arisen, if such cases were tried in a short time after. So far the case in question was affected; were it by impeachment, it would precisely represent the grievance he had to complain of. This was the more to be regretted, as he was able to prove by evidence, that, in the long lapse of time, the learned and venerable judge, for whom he had the honour to appear as counsel, had been deprived by death of a most important party. In one point of view, the act met the case as fully as if it were expressly named. With respect to the enacting part, as he could infer from the hasty perusal, the present proceeding considered its penal effect sufficiently in point. What he submitted was, that an opportunity should be allowed him of consulting with those, who, from their circumstances, situation, and practice, had better means of being informed upon the subject than himself, especially, with regard to the proceedings which obtained, and the constructions put upon the law in the course of practice in Ireland. Mr. Nolan shortly followed on the same side. Mr. Romilly did not deem it necessary to offer any detailed observations to their lordships upon the subject. Mr. Adam, in further observing upon the point, contended, that in a case where words spoken formed the principal part of the matter in charge, it was his duty to bring it under consideration. However, in the present instance, he did not mean to interrupt the examination.—Mr. Deering then continued his evidence for some time longer, after which, he underwent a cross-examination by Mr. Adam; some particular points in which being objected to by Mr. Romilly, a short argument took place between the learned counsel, the result of which was, an agreement between them, that any further cross-examination should be postponed to a future day. —The next witness called was the solicitor for the crown on the north-western circuit. His name was Mr. Galbraith. He stated, he had been in court during the whole of the trial adverted to. He had taken notes of the evidence given upon the trial. It was a general rule with him, to take a note of the evidence upon every case he was concerned in, where it conveniently could be done. Of the case in question, he thought, were he permitted to recur to his notes, he could give a good report of what passed upon the trial; he was confident that no man could give a better account of every thing material that occurred. He did not profess to have made his notes so monosyllably, as to take down every iota that was said.—It seemed to be the sense of their lordships, that the witness should be permitted to read his notes as evidence. The witness, in the outset, answered one or two questions which were put to him, without recurring to his notes; on which Mr. Nolan took the opportunity to remark upon the novelty of a witness delivering testimony, partly written, and partly parole. The witness then proceeded, and delivered his chief examination, which repeated the evidence given upon the trial, and was of considerable length, from his notes; and concluded, by observing generally, that there was no material evidence given upon the trial, but what was set down in his notes.—It was then ordered, that the chairman should leave the chair; and the house having resumed, the committee was, on the motion of the lord chancellor, ordered to sit again on Friday.—Adjourned.

HOUSE OF COMMONS.

Wednesday, June 12.

[Minutes.]—Admiral Berkeley brought in a bill to continue in force, for a limited time, the Woollen Manufacturers' Suspension act, passed last session, which was ordered to be read a second time to-morrow, and to be printed.—Mr. Giles obtained leave to bring in a bill to extend the provisions of the act in force in this country, to prevent the forgery of bank notes and bills of exchange, to every part of the kingdom.—Lord A. Hamilton brought in a bill for explaining and amending the act for regulating the exportation and importation of corn, which was ordered to be read a second time on Monday next, and to be printed.—A message from the lords informed the house, that they had agreed to the Post Horse Farming Duty bill, the Paymaster-General's bill, and the Auditors of Public Accounts bill.—Col. Craufurd moved, that there be laid before the house an account of the number of soldiers who returned from the East Indies to Europe, in consequence of the expiration of their service, from the years 1788 to 1794 inclusive; and the number of recruits raised. Ordered.

[IMPEACHMENT OF LORD MELVILLE.] The order of the day for resuming the adjourned debate on the motion for the impeachment of lord viscount Melville, being moved, and the original question and amendment having been put from the chair,

Mr. *Leycester* rose. He said he should take that opportunity of offering a few words to the house in explanation, of the grounds on which he felt that he should discharge his duty conscientiously, both to lord Melville and the public, in giving a negative to the motion. But before he should come to state these grounds, he begged to say a few words on a subject that was only collateral to the question in debate, namely, what the hon. gent. who had brought forward the motion, had said with respect to Mr. Wilson. That hon. gent. had fairly and candidly admitted that he understood Mr. Wilson to be a very meritorious officer, and when he had appeared as a witness before the committee, to have behaved himself in a very proper and becoming manner. In this statement he concurred, as he was sure every member of the committe would. But then the hon. gent. had stated that the right hon. gent. below him (Mr. Canning) ought to have dismissed Mr. Wilson from his office, and in this he differed from that hon. gent. The hon. member here offered some observations to shew that Mr. Wilson had not acted criminally, and ought not to have been dismissed from his situation. Having stated so much as to the collateral point, he came next to the main question. If the present were an original proceeding against lord Melville, he should not give his negative to the motion of the hon. gent. because the facts before the house were not satisfactorily accounted for, and he thought enquiry was necessary. But from his professional habits he was not disposed to think a man guilty, till he should be proved to be so, after having had a full opportunity of justifying himself against the charges against him on a fair trial. Whatever would have been his opinion, with respect to the present motion, if it had been an original proceeding, the question had now taken a different turn. The question now was, whether an impeachment according to the motion, or a criminal prosecution, according to the amendment of his hon. and learned friend (Mr. Bond), should be adopted? And here it was to be considered what proceedings had already taken place. On the 8th of April, resolutions of censure had been passed on the conduct of the noble lord. On that occasion he had been discharging his duty in a different place, and had not heard what had been urged to induce the house to adopt these resolutions. He had no doubt that something conclusive must have been brought forward on the occasion; but for his part, he could not find any thing that would justify the proceedings that had been taken. Lord Melville had been charged with withdrawing the public money from the bank, for the purposes of private emolument; but lord Melville had stated the very reverse to be the case; he had stated, that it had been drawn only for the expediency of the public service. From all that had passed, he had not observed any thing tending to criminate lord Melville on that head. The noble lord had afterwards been struck out of the list of privy counsellors; and on the 29th of April an order was made, directing the attorney general to commence a civil suit against his lordship. Two questions had arisen on that occasion; first, whether a civil suit should be commenced against him; and next, whether a criminal prosecution should be instituted; and though many different opinions prevailed on the subject, which were fluctuating and changing, yet at length the civil suit for the recovery of the money was preferred. It would be inconsistent for the house to order a criminal prosecution after having adopted the other mode of proceeding; and herein it was painful to him to differ from his right hon. and learned friend (Mr. Bond), for whose opinion he entertained the highest respect, and for whose person he felt the most sincere and zealous friendship. The circumstances which led to a suspicion of participation on the part of lord Melville, had been before the house, in that part of the evidence of Mr. Trotter, where he says that he had been sometimes in advance 10 or 20 thousand pounds to lord Melville. As the civil suit had been ordered, the select committee, with the instructions they had received, had considered themselves as precluded from enquiring into any matters that were the objects of that suit; and if any of the witnesses that had been examined before them, had set out with stating that they were about to give evidence touching sums advanced for the private use of lord Melville, he had no doubt that they would have been stopped in the outset. That having been the case, he contended that it would be highly inconsistent for the house to stop the civil suit, and institute a criminal prosecution now. He did not mean to say that a case might not be made out, in which it would be right to adopt such a course; but he insisted that such a case should be first made out. His right hon. and learned friend had stated that new matter had been produced to the house, and he was ready to admit that if such matter, as had not been in the contemplation of the house before, had been brought to light, and of sufficient magnitude to justify the alteration of their proceedings, the inconsistency might be properly incurred. This question turned upon the cases respecting two or three sums. As to the 20,000l. that had been lent to lord Melville by Mr. Trotter, there was no evidence to prove that his lordship knew the fund from which it had been procured. Neither could he discover any trace of evidence to prove, as stated by his learned friend, that lord Melville had participated in the interest arising from navy, exchequer bills, or other stock purchased; and he saw no reason for supposing that such participation existed. He admitted that the 10,000l. which had been in the possession of lord Melville previous to 1786, and the other sum of 10 or 12 thousand pounds, being half of the 23,000l. advanced out of the public money, had been *primâ facie* unexplained. But, for sake of argument, he should suppose, what would be most disadvantageous to lord Melville, that both had been applied to his private use, and then it would only follow, that they had been advanced to him from time to time as a temporary accommodation. It had been argued by the noble lord opposite (lord H. Petty) that these sums had never been repaid. If that had been proved, he should admit that it would be a sufficient reason for the house to depart from its adopted proceedings, in order to institute a criminal prosecution. But he wished that noble lord to bear in mind that the charge was not supported by the evidence; and that the hon. gent. even, who had brought forward the motion, had not asserted that these sums had not been repaid. It was stated in the report that these sums were repaid, but without interest. He could have wished that the noble lord had examined the evidence before he contradicted that fact. The hon. member here called the attention of the house to the answers of Mr. Trotter, to two questions on this subject, where he stated that these sums must have been paid to him, and to him as paymaster, and to his answer, that not only these sums, but all other advances to lord Melville, since the year 1786, had since been repaid. He asked, therefore, whether in fairness or candour any mind could suppose that these sums had not been repaid? If it could be proved that they had not been repaid, that would make out a stronger case than any that had yet been made, because it would prove an embezzlement of the public money. There was no proof that the public had lost a single shilling. On the whole, therefore, it appeared only, that in the course of 14 or 16 years, lord Melville had been accommodated with sums to the amount of between 20 and 30,000l. As to the bond of release, he thought there was nothing extraordinary in the clause. Though such a clause was not usual in the precedents of bonds or release, he should not have thought it extraordinary if such a clause were presented to himself in a release, and he should not hesitate to sign it. It appeared by the evidence of one of the gentlemen that had been examined, that covenants to give up vouchers were frequent; and the introduction of this clause for burning of vouchers had arisen from the parties having been at the distance of 400 miles from each other when the release had been executed, and the inconvenience of transmitting the vouchers mutually such a distance. If this clause had come to their knowledge without any previous acquaintance with the circumstance of the destruction of vouchers, it would never have given rise to any unfavourable suspicions. All this, therefore, had been known previous to the civil suit; and it would therefore be inconsistent to alter the course of proceeding. He would ask whether two processes could be instituted without subjecting the party to a double punishment? If they could not institute the criminal prosecution without interfering with the civil process, they ought not to prosecute at all. The noble lord had been already punished by the successive measures that had been taken with respect to him. The hon. gent. who had brought forward the motion had stated, that the noble lord's resignation had been voluntary, and not in consequence of the resolutions of the house. But could any one seriously assert that he had not suffered in consequence of the resolutions of the house? He was himself of opinion, that the noble lord ought not to be further punished, because he had already suffered punishment to the utmost extent to which an impeachment would subject him. The hon. gent. (Mr. Whitbread) had said, that he did not wish to carry the punishment a hair's breadth beyond what the ends of justice required. But what was the end of justice? Not to crush the individual, but to make an example that might deter others from the commission of such crimes. Could any body suppose that lord Melville had not been made an example of? They had only to consider what he was twelve months since, and to compare that with his present degraded and fallen state. He confessed that he thought the ends of justice were satisfied, that lord Melville had been sufficiently punished, and that enough had been done for example, and he should therefore vote against the motion.

Mr. *Wilberforce* admitted that the hon. gent. who had preceded him, had acted conformably to his usual character and conduct, and had discussed the question throughout the whole of his speech with that candour and moderation which became a member of the legislature. It was painful to him, after all that he had heard, to be compelled still to dissent from the conclusions which the hon. gent. had drawn, and particularly because he felt the difficulty and embarrassment in which the house was placed. But whatever might be his feelings on the occasion, or his sense of these embarrassments, they should all give way to the dictates of duty, and for the ends of substantial justice. He had come down to the house the preceding day with his mind discharged from the influence of what had passed, with a view to attend to what the noble lord had to urge in his defence, and in the expectation that any thing that was doubtful might be explained, and any thing that was wanted might be supplied. He had come to the house entertaining doubts concerning the motion which was to be submitted to it. But whatever might have been the impression on his mind in that instance, the speech of the noble lord had convinced him, that some further criminal prosecution was necessary before the ends of justice would be satisfied. The principles too which the noble lord had laid down, and particularly one of them, were such as to call for severe reprobation. It might be said that they had now arrived at a new era in the course of the proceedings on this business. They had been in such a state with respect to several particulars, that they could not look for information to any other than his lordship; and, though, when permitted to attend in that house, he had been laid under restrictions in another place, it was to have been expected, that notwithstanding these restrictions, he would not have omitted to have entered into a defence of his conduct fairly and temperately. But so far had the speech of the noble lord been from a justification of his conduct, or from proving the steps harsh which the house had taken, that it strengthened the charges already affecting him. He should not go over the whole of the arguments of the noble lord, because they had been infinitely better refuted by the hon. gent. opposite (Mr. Whitbread), and because he should only injure that hon. gent.'s arguments, if he were to attempt to repeat them. But there were one or two topics on which he felt it indispensably necessary for him to touch. The noble lord in his speech had acknowledged no criminality; he had attempted to justify his conduct, and stated that the law of the land had not been violated. In support of this assertion he had argued from the statute, and from the conduct of subsequent treasurers of the navy, and in particular of lord Harrowby. As to the argument founded on the provisions of the statute, the noble lord insisted that the statute only required that the money should not be drawn from the bank but for naval services, which regulation of the statute had not been violated. But was it to be supposed, that the legislature could in such a statute regulate the manner in which every minute sum was to be drawn, or that having directed that the money was not to be drawn but for naval services, it was not intended that the money, when drawn, was not to be applied to any but naval services? Could it be endured, that the money should be stated to have been drawn for naval services, and the application of it to any other purpose than naval services should be attempted to be justified by any such miserable quibble? It had also been said by the noble lord, that lord Harrowby had doubted of the propriety of the practice, and that it was continued two years after he had been in office. When that noble lord had found that the practice was illegal he reformed it. Every body who knew lord Harrowby, knew that his health had been such as not to allow him to attend, when appointed, to the duties of his office; and every body who knew that noble lord, knew also, that when afterwards his state of health permitted him to discharge these duties fully, he had conducted the business of his department in strict conformity with the law, and with a rigid adherence to the letter and spirit of the statute. It was unnecessary to argue that the act of parliament was clear and imperative on this head. The manner in which it had originated, the discussions that had preceded it, and the circumstances that had attended its enactment, all threw a light on its meaning. The great and main object of the statute was, to prevent balances from accumulating in the hands of sub-accomptants, and to make the bank the only banker to the public for the navy money. He remembered an attempt that had been made to justify the practice of making private profit by the use of such money on a former occasion, by a reference to the practice of former treasurers. But on this subject two things were to be considered; first, that the case had been altered when the law proscribed the practice; and next, that the continuance of the practice was aggravated by the circumstances with respect to the noble lord under which the law had passed. For what purpose was an additional salary of 2000l. given to the noble lord, if not as a compensation for his having been deprived of the emoluments arising from the use of the public money? It is admitted that the treasurer was not to make profit by the public money; and is the distinction to be tolerated that what the law does not allow to the treasurer of the navy, shall be permitted to the paymaster? What is there in the law that does not apply to either as well as to the other? He was sure that the provisions of the law were equally clear as to both. What the noble lord could have meant by stating he did not know of Mr. Trotter's having derived any profit from the use of the public money, but by his share of the interest it bore when lodged in Messrs. Coutts's, he could not perceive. The noble lord seemed throughout a great part of his speech to argue, that Mr. Trotter had not derived any private profit in drawing the money from the bank, though here he admitted it [a cry of no! no!]. He had made a note on the circumstance at the time, but if he misunderstood the noble lord, he was glad to be set right. It appeared to him, however, a narrow and weak distinction that had been put between the purposes for which the money had been drawn, and the uses to which it had been applied. The noble lord had said, that if he had been asked a question directly, as to that point, he could not have had any hesitation in answering it. The conclusion, therefore, was, that Mr. Trotter had been permitted to draw money from the bank, for the purpose of applying it to purposes of private emolument. He was sorry to be obliged to state it, but this was not satisfactory to him, nor could it be so to any one who looked for substantial information. He could recollect but one part in which the noble lord appeared to him to be satisfactory, and that was his reason for keeping his place of treasurer of the navy in consequence of its having been connected with the superintendance of Indian affairs, which that noble lord had presided over and regulated whilst at the head of the board of control, in a manner most honourable to himself and beneficial to the country and the company: and here he begged leave to bear testimony, in justice to that noble lord, to the purity and integrity with which he had administered the affairs of the India company during the whole time he presided over them, particularly in his appointments to high and important offices in that service. He had an opportunity of being acquainted with many such appointments, where the noble lord knew nothing of the person he appointed, but from his integrity and ability. He had heard one person (lord Teignmouth), who had been governor-general of India by his lordship's appointment, say, that during the whole time of his being in that important station he had never been applied to by his lordship for any one thing as a matter of favour, which could have been in the smallest degree disagreeable to his feelings.—With regard to the burning of the papers and the clause in the release for that purpose, he observed that many thought that a doubtful transaction. For his own part, if, as it had been put by the learned gent. (Mr. Leycester), that stood by itself, and they had not known of any destruction of papers, he thought that it would not have given rise to any suspicion. But he agreed with his right hon. friend (Mr. Bond) who had remarked upon the coincidence of the time, and the destruction of the papers, whilst the parties were at such a distance from each other, that this was a doubtful circumstance. The noble lord in his letter to the commissioners had stated, that he was in the habit of amusing himself occasionally with destroying useless papers (a loud cry of no, no; on which the hon. member consulted his copy of the report). He had mistaken a word. The noble lord had stated, that he employed himself in the occasional habit of destroying useless papers. When these circumstances were considered, it would be impossible to divest one's mind of the suspicion of some impropriety. But the topic upon which he felt most sensibly, the article in his lordship's speech which affected him most forcibly, was that in which he spoke of the 10,000l. which he had in his possession when Mr. Trotter had been appointed paymaster. Of the application of this sum, he had declared that he would give no account to that house, or to any other body or individual. It would have been surprising that any man should make such a declaration, but it was particularly astonishing in his lordship, who was so well acquainted with business, so well versed in history, so well skilled in the practice of the constitution, so well informed on the subject of legal delinquency, and so much in the habit of preparing the defences of others. What did it amount to but the avowal of a principle, which, if the house were once to recognize, would put an end to all the advantages of the constitution, and the most invaluable privileges of that house? It was the same as if the noble lord were at once to say, "I will be greater than the law; I will be superior to the constitution; I will do that which both prohibit, and I will not be accountable to any authority for the trespass." When our sovereign ascends the throne to which he is entitled by hereditary right, it is required of him to take an oath that he will govern according to the laws. It is equally the law that no money voted by parliament should be expended but as the law directs. The noble lord had spent 10,000l. for which he refused to give any account. It was a libel on the constitution to suppose that any grievance could arise for which it did not point out a remedy. It was a principle of our happy constitution, and that which endeared it most to his enthusiastic love and admiration, that it was as capable of vigour and secrecy on some occasions as of openness and publicity in others. But the noble lord was prevented from any disclosure by considerations of public honour and private convenience. When the noble lord had accepted of a place in this country, he must have entered into an obligation to discharge the duties of it according to law. What country the objectionable principle might be accommodated to, he knew not; but sure he was, that it was not calculated for the meridian of this country. This brought to his mind an anecdote of one of our own princes, who was most unprincipled and unfortunate, James II.; no, he meant another that was more profligate than unfortunate, his immediate predecessor, Charles II. who, if he had had the benefit of such a principle as the noble lord's, need not have employed any chancellor of the exchequer, or resorted to the extraordinary means which he found necessary to enable him to supply his extravagancies. It could not be true that such a secrecy was either essential to the dignity of the government or the safety of the country. The anecdote he alluded to was one which is recorded of the observation made by a Mr. Gourney, on an occasion of one of the extraordinary means resorted to, to extract money in the reign of that profligate monarch. His observation had been, "that a king of England, who governed by the laws, would be the greatest sovereign on earth, but that if he should not be the man of his people, he would be the weakest." This had such an effect on that monarch as to put a stop to his extortions for a time. But they should look to the consequences that would result from the principle of the noble lord, the measures of public corruption, secret depravity, and undue influence that it would give rise to.

The avowal of such a principle led one to think that there was something dark and mysterious in the transaction that would not bear the light, and he should only add, that the simple declaration of it was big with dangers which might not be foreseen. The main question was, in his mind, whether lord Melville had not been already punished? and that would lead them to consider the nature and amount of his lordship's crime. He had formerly stated, that whether it were considered with respect to its intrinsic turpitude or its possible consequences, it was a crime of the greatest magnitude. With respect to the circumstances that had attended its commission, it appeared equally indefensible. It had been committed by one acquainted with the laws and judicial proceedings of the country; it had not been committed in a hurry nor through passion, but had been persevered in for many years; so that it was characterised by its intensity, if the expression might be allowed, on one hand, and its continuity on the other. It had been urged that the noble lord had already sustained much punishment; but it was his opinion, that the striking him out of the list of privy counsellors was the only punishment which he had yet suffered. (A cry of no, no, from the treasury benches, and of hear, hear, from the opposition.) The resolutions that the house had voted, pronouncing on his conduct, unquestionably formed no part of his punishment, because they might very properly precede the motion for impeachment. And if the hon. member who had brought forward this motion, had followed up the resolutions with a similar one, it would have been right in him to have taken the sense of the house on the resolutions first, and on the question of guilt. Under all the circumstances of the case, considering that such a crime had been committed, had been so elucidated, so justified, and so defended, he would rather that they should rescind all that had been done, and allow lord Melville to be restored to all his former distinctions, than that they should stop here, and not adopt any further criminal prosecution for obtaining the purposes of substantial justice. It had been argued by the learned gentleman that the criminal prosecution would be inconsistent with the regularity of their proceedings; but though there had been a variety in the measures they had adopted, yet that variety had arisen from the different circumstances in which, at different times, they had been placed. When the resolutions had been voted, and the vote for carrying them to the foot of the throne, the lights they then had were sufficient to justify these proceedings. They had also in view the criminal prosecution; and if his right hon. friend (Mr. Pitt) had intended, by advising the name of the noble lord to be struck out of the list of privy counsellors, to defeat the criminal proceeding, he ought to have stated it to the house and given them a choice. In both these cases they had acted according to the lights they had, and in carrying up their sense of the conduct of the noble lord to the throne, they had only discharged a duty as a branch of the legislature. But he could not conceive that they by that precluded themselves from adopting any further proceedings. With regard to the different modes of proceeding, he was inclined to adopt the amendment that had been proposed by his right hon. and learned friend (Mr. Bond). But he thought that those who were agreed in substance, should not differ about the manner of attaining it, and he was therefore of opinion that his right hon. friend would do well not to press his amendment on the house, because it was desirable that those who were agreed upon the end should not appear to differ about the means. He should therefore agree in the original motion, though he was disposed to prefer the amendment. He gladly agreed with his right hon. friend in his eulogiums on the administration of justice in this country; he also with pleasure concurred with his panegyric on that mode of trial which was one of the most valuable rights of the people of this country, and rendered its constitution the most enviable on earth. He should hope that the hon. gentlemen opposite might be induced to adopt the amendment; but if they should persist in the original motion, he should be obliged to vote for it. He begged pardon for trespassing at such length on the house; but he could not sit down without making one or two observations on the arguments of the learned gentleman who had preceded him in the debate. That learned gent. had said, that if it had been proved that the sum of 10,000l. had not been repaid, he should vote for further proceedings. It appeared, therefore, that his difficulty was only a question of degree, and resolved itself into expediency. If they thought that the punishment already inflicted was not adequate, they were not precluded from adopting further proceedings. The learned gent. had insisted that no loss had been sustained by the public. But there was one loss which the public had certainly suffered, in the additional salary of 2,000l. that had been granted to the treasurer of the navy, as had been stated by the hon. gent. (Mr. Whitbread), in lieu of the profits derived from the use of the public money. But this he should not dwell on as an item of loss. The great loss was not in money, it arose from a cause much more important and deeper, which struck at the root of all those principles, which, by being kept pure and uncontaminated, could alone secure the constitution against public corruption, and prevent the affections of the people from being alienated from that constitution which was so justly the object of their admiration. He had but one remark more to make. When lord Melville allowed Mr. Trotter to draw the navy money from the bank for the purpose of placing it at a private banker's to derive profit from a participation in the interest of it, he ought naturally to have warned him against hazarding the public money by speculations in stock jobbing; yet no such evidence had appeared in the statement of the noble lord. When also the noble lord could, if the case had admitted of it, have justified his conduct, and had omitted to do so, he was justified in concluding that he could not. The main question, therefore, for the house to ask themselves was, whether, as this motion had been brought forward, the punishment already inflicted was sufficient; or whether, without conniving at the conduct of lord Melville, they could vote against the motion? he had been doubtful at first, but after having heard the defence of his lordship, he felt that he had no option. He thought he understood from the learned gent. that they might come at a knowledge of further circumstances relative to the 10,000l. by the evidence of Mr. Trotter, and that alone was sufficient to justify further proceedings. If all persons in office who had the disposal or care of public money were to imitate the example of lord Melville, by diverting the public money to private purposes, crimes would be multiplied, and there would be no end to the delinquency. As to the application of money to secret services, he begged to remark, that only 100,000l. were allowed annually for England, and that sums voted for foreign secret service money were to be accounted for by the oath of the secretary of state that they had been expended. If such practices as formed the charges against lord Melville were to be suffered to pass with impunity, it would be vain to adopt or enact regulations for the security of the public money or the direction of public offices. Lord Melville should account for the sums of public money which he had received. The learned member had said, that his defence had extenuated his guilt, but he was convinced, on the contrary, that by it it had been aggravated. The learned gent. had also stated, that this was not a time for going into enquiries; but it was to be considered, that the necessity had been imposed upon them by those who would not let them know what their guilt was. He depended on the strength and resources of the empire for its protection, on the superiority of our navy, and the valour of our forces; but he depended more on the affection and attachment of the people of the country; on their love for the constitution, and their loyalty to their sovereign, which would be ensured more effectually, if they should see that there was no impunity for crimes committed against the public, and that their rights were respected, their liberties secured, and the laws equally administered on the eternal principles of sound policy and impartial justice.

Lord *Castlereagh* felt himself peculiarly called upon to state the grounds on which he must give his decided negative to the motion of the hon. gent. He had been anxious that the question should be discussed by those who possessed great legal and constitutional knowledge; but however that knowledge belonged to his hon. friend who had just sat down, he was, he owned, surprised at the mode in which he had treated the subject, to the discussion of which he seemed to have come for the first time, and of which he appeared to have taken the most antiquated view. He trusted the period was now arrived when the question was fully understood. When the hon. gent. opposite made his motion, he was by no means aware whether he intended that the measure proposed by him should be supplemental to the civil suit instituted by order of the house, or whether it was to be a substitute for that proceeding. The explanation with which that hon. gent. had followed the speech of his hon. friend behind him (Mr. Bond) shewed that he meant the latter. In this case the civil suit ought not only to be suspended, but altogether abandoned. On the position of his hon. friend, that if new matter had been laid before the house, new steps ought to be taken, he was anxious to join issue with him, supposing that his hon. friend of course meant new matter, not merely nominally so, but substantial aggravated matter, sufficient to arrest the attention of the house, and to induce it to adopt that proposition, which, when the discussion took place on the relative advantages of a civil or a criminal proceeding, his hon. friend had thought it right to reject. Up to the present moment, every step taken by the house seemed clearly to indicate, that they relinquished all idea of criminal prosecution. He was by no means desirous of tying the hon. gent. opposite (Mr. Fox) down to any opinions he had delivered; but certainly, on the second night of the debate on this subject, that hon. gent. had declared, that if lord Melville were removed from his majesty's councils and presence, he should consider all personal proceedings against him as concluded, and that there would then only remain to obtain pecuniary justice for the country. But it was not on authority, however high and respectable, that he wished to rest the merits of the case. He agreed perfectly with his hon. friend who had just delivered his sentiments, that the house might come to certain resolutions with a view to a subsequent impeachment or criminal prosecution; but he put it to the candour of the hon. gent. who moved those resolutions against lord Melville, whether or not he had intimated any intention of this nature. He had not done so; he had contented himself with dropping a hint that he would prosecute further enquiry into that part of the 10th report, in which, as he said, the chancellor of the exchequer was implicated, and that, on a future day, he would propose that a civil suit should be instituted against lord Melville, for the purpose of recovering from him any profits arising from the use of the public money. By his subsequent motion for an address to his majesty to remove lord Melville from his presence and councils for ever, he evidently and avowedly looked for one punishment, and he would scarcely violate the constitution so grossly as at the same time to have another in his view. The object of the address was not confined to removal, pending any criminal proceedings against the noble lord. No: on cool deliberation, after an interval of three weeks from the passing of the resolutions, the hon. gent. proposed that motion which was to dismiss lord Melville from all places of trust and dignity for ever. Nothing could be more clear than that at that time all idea of criminal prosecution was banished from the hon. gent.'s mind.—Let us now consider the civil suit, and the circumstances under which the select committee had been appointed. Was it possible to imagine, that if the house had entertained the most distant conception of the probability of deriving from the researches of that committee matter on which it would be expedient to ground a criminal prosecution, they would have voted the institution of a civil suit, and have debarred the committee from investigating those points in the 10th report, on which alone the expediency of such criminal prosecution could rest? Up to the appointment of that committee, therefore, it was evident that nothing could be farther from the contemplation of the house than the institution of any criminal proceeding against the noble lord. A new case must therefore be shewn, and irrefragable arguments adduced to incline the house, now to adopt that from which they so recently abstained; otherwise the option between a civil and a criminal prosecution was no longer in their possession. Were this principle not to be adhered to, lord Melville would be treated in a manner to which never had a British subject been before exposed; and his fate would remain on record as a monument of the inconsistent severity of parliament. Was there any new matter in the report of the select committee, and what was its import and value? In considering this part of the subject he wished to establish a distinction material to an accurate judgment. It was between the charge of profit obtained from the public money actually proved against lord Melville, and that of which only suspicion existed. He intreated the house to recollect the circumstances known to them prior to the appointment of the committee, and those with which they had subsequently become acquainted. It was known in the former period, that considerable sums of the public money issued for naval services had been appropriated to purposes not naval. Nay, the impression was stronger than it was now, for the house then knew that 60,000l. had been diverted in this manner, but they did not know that 40,000l. of it had been applied in a way which did infinite credit to those concerned in the application; and yet having negatived a proposition to enter into criminal proceedings at that time, they were now called on to accede to it when the circumstances were so much less flagrant, nor was the house ignorant at the time he alluded to, that the public money had been withdrawn by Trotter from the bank with lord Melville's knowledge. The hon. gent. had laid much stress on the refusal of the noble lord to explain what was done with the 10,000l. for which he was in advance prior to the paymastership of Trotter, and had insisted that because he would not explain that transaction, it must necessarily have been one from which he had derived personal advantage; but, surely it must occur to that hon. gent. and to the house, that in times like those through which we have lately passed, money might be applied in secret services, the disclosure of which to a single individual, might endanger the life and honour of those who had placed implicit confidence in the good faith of a minister. His hon. friend had expressed a doubt whether or not this money had been ever repaid; but if he would examine the evidence of Trotter, he would find that point completely ascertained. He says, that not only that sum, but every sum since advanced to lord Melville had been punctually replaced. With regard to the extent of the danger with which the constitution was threatened by this species of transaction, let it be considered, that if any one does apply the public money to any object not immediately regular, he expects to be repaid from some legal quarter; if not, he must lose the money; and the house surely need be under no alarm that any individual would thus dispose of his private property for the purposes of corruption. Now, though the noble lord at the time when he withdrew this sum of 10,000l. was not in any official situation as a minister, yet, with respect to Scotland, he was, to all intents, a confidential servant of the crown. It had been supposed that this money was devoted to his own emolument, but of this the mode in which he described his apprehensions to Trotter on his first coming into the paymastership, was a sufficient refutation. It was the language of a man who had advanced public money for public services, and who was fearful that the result would be detrimental to himself. With regard to the other sum, with the employment of which for private advantage before his acquaintance with Mr. Trotter, lord Melville had been charged, it was precisely the sum on which no indictment could possibly be framed. What was the situation of lord Melvill at that time? This sum was part of the balances of his first, and the first part of his second treasurership, to which the act of parliament did not apply. He allowed that the noble lord was bound not to derive any advantage from those balances, but he was by no means restrained by the resolutions of the commissioners of accounts, or by the recent increase of salary, from keeping them where he chose. Besides, if lord Melville had been so dead to all sense of honour, or so willing to risk the shipwreck of his character as he had been represented, would he have been satisfied with keeping this 10,000l. in his hands? Would he not rather have retained the whole of the balances, amounting to 56,000l.? If the noble lord had allowed himself to make use with such facility of the public money, or if he had connived, in the way in which he had been accused of doing, in the free use of such money by Trotter, is it credible that he would have borrowed from him the sum of ten thousand pounds on interest? Would he not rather, if his relations with Trotter were such as had been described, have felt entitled to demand that he should feed his wants? It was far from his intention to say, that lord Melville had not permitted a breach of the law, or that he had not, in his opinion, allowed considerable mismanagement to exist in his office; but there was a wide difference between this accusation of irregular and not perfectly warrantable conduct, and a delinquency of the most sordid and base nature that could attach to man.—With respect to the money drawn from the mixed fund, he allowed it was a fair object of jealousy, and he thought a civil procedure necessary to ascertain the composition of that fund. But surely his hon. friend, versed as he was in the laws and constitution of the country, would not contend that a criminal court could take cognizance of this money, until it was proved to be public property, which could only be done by a civil suit. At present it could only be argued upon a matter of suspicion, and not established by proof. Deducting 10,000l. which was, under other circumstances, the sum on which suspicion arises, leaves 46,000l. He allowed, that previous to the report of the select committee, with the exception of Trotter's account current, the house was not in possession of any evidence explanatory of the application of that sum, but on looking at it, the sum of 22 or 23 thousand pounds borrowed for lord Melville by Trotter, on interest, must be deducted. It was not until he was hard pressed, that Trotter acknowledged in the committee, that he was himself the lender of this sum. The hon. gent. had urged against the noble lord that in his statement the preceding evening he had not mentioned either the lender of this money or the security on which it was deposited. The reason that he had not done so was obvious. He considered the whole as a private transaction, but it did not follow that there was no ostensible lender. It was not a sum from which lord Melville had derived any personal advantage, but for which he paid to Mr. Trotter the same interest that he would have done to any other member of the community. The sum was thus brought down to less than 25,000l.; of this the subscription to the loyalty loan amounted to 10,000l. the security for which remained in the hands of Trotter, and the interest of which discharged the interest of the sum advanced for it. Thus was this gross sum for which lord Melville stood accountable, reduced to that at which it was on the last vote of the house of commons on the subject, namely, between 10 and 15,000l. In the whole of this transaction therefore, as developed by the select committee, nothing new, or more culpable than what was formerly known, had been discovered; and was it within the sphere of possibility that lord Melville should sacrifice even his self-estimation, supposing that the affair should never be unveiled, for such a trifling consideration? It was not probable that at any one period he was in possession of more than 5 or 6000l. But stating it at the utmost, supposing it to be 15,000l. the annual value of which was 750l. what motive could such a man, possessed of such a character, vested with such power as that noble lord, have to embark in such a wicked and barefaced transaction, for so paltry a sum? With respect to the payment of navy bills at Coutts's, it was a subject of general notoriety; no attempt whatever was made to conceal it. Had there been any wish to derive from this practice illicit advantages, would drafts on that banking-house have been given to every man who walked the streets? In this country, which had to boast that the purity of its ministers had been unpolluted for centuries, was it possible to suppose that the noble lord would sell himself to perdition for such a price, and in so stupid a manner? And to crown the whole, after the commissioners of naval enquiry had been appointed, and after they had issued their tremendous precepts, he is supposed, by way of concealing his connection with Trotter, to go to a man of business for the purpose of enabling him to do that which, had he been guilty of that which was laid to his charge, he could have done more effectually himself! Not satisfied with this confidence in Spottiswoode, he had confided in the register of Scotland! And to what purpose was all this confidence? According to his accusers it must have been for the purpose of self-destruction! He owned, after the most anxious attention that perhaps he had ever paid to a subject in the whole course of his life, he could not impute any serious guilt to the noble lord, although he could not but admit that nothing could be more unfortunate than his situation. But that any new or strong additional facts against him had been produced in the report of the select committee he positively denied. On the contrary, that report extenuated rather than aggravated the circumstances of the case. He intreated the house now for the last time to consider the subject with the solemnity which its importance demanded, and to come to a deliberate decision, which they should not hereafter feel compelled to view with regret. Without meaning to derogate from the talents of the hon. gent. who was the original prosecutor of this affair, or to utter any thing in the least disrespectful to his character, he conjured the house to ask themselves whether or not he had been a prudent or successful adviser in the measures hitherto adopted by them, and whether or not he was likely to be so in those which were to follow? He thought that hon. gent. must feel in his own breast, that the proceedings recommended by him had not been altogether satisfactory; that to come to a vote of conviction, without any proof of guilt, without hearing the accused, without possessing one ground on which an English mind could reconcile to itself the condemnation of any individual, however obscure and contemptible, much less one who bore the high character for talents, and who enjoyed the brilliant distinctions of the noble lord, was not entirely consonant to the dictates of liberality or justice. To the charge of precipitation, he had to add that of subsequent indecision. The hon. gent. gave notice of a motion, which after the lapse of a week he suddenly abandoned. By his measures he had involved the house of commons in a situation of much embarrassment; he had given to their proceedings the appearance of a desire to punish lord Melville by piecemeal; to put him to the torture, and to do that with pleasure and exultation at which the feelings of every true Briton revolted. It had been said, "why does not lord Melville wish to submit himself to the judgment of his peers?" For his own part, nothing could induce him to negative the question for bringing the noble lord to that tribunal, did he conceive that it would afford him a fair opportunity of exculpation. But this could not be the case. What evidence could be adduced? His own must be rejected. There was no other but that of Mr. Trotter; and he had declared, that, although he knew of the 20,000l. being in the hands of the noble lord, he was ignorant of its application, and it was on the application that the merits of the case rested. How then could the house of lords decide? If they convicted him of holding 10,000l. of the public money in his hands antecedent to the paymastership of Trotter (which was scarcely possible, as lord Melville's acknowledgment seemed to be the only evidence, and this was inadmissible in a court of justice), it would be only a conviction of legal guilt, and not guilt of that dark complexion with which it had been painted by the hon. gent. and his coadjutors. But if the house of peers declared lord Melville innocent, were the commons prepared to rescind the vote by which they had expelled from the service of his sovereign, and from the service of his country, a man, whose loss at such a time as the present was most sincerely to be deplored? Feeling, therefore, that he might be considered as morally guilty, under the mask of legal guilt, and that if he were proclaimed innocent, he could not recover the advantages of innocence, was it wonderful that the noble lord was desirous to avoid the fruitless ordeal? What mode of procedure then was left for the house to pursue? That on which they formerly decided, a decision which nothing new had occurred to change. A civil suit was the best adapted to the ends of public justice. In a civil suit the judges would not be prevented from availing themselves of the testimony of the noble lord himself. The proceedings in a civil suit would be more likely to be attended with fairness and impartiality than in a criminal prosecution. Should the guilt of the noble lord be found as great as it was described to be by his accusers, would the country think the transaction badly or incompletely wound up by compelling him to refund his pecuniary gains, after the other severe punishment which had already been inflicted on him, a punishment the most bitter to the feelings of man; and in consideration of the disgrace and ignominy that must attend him through the remainder of his existence? Under all these circumstances, he felt that the house had arrived at a point at which it was indispensable to the execution of their public duty to press no further the punishment of the accused. Would any man say that the punishment lord Melville had already undergone was not sufficient to make every member of government look with the utmost strictness to the execution of the laws with which they were separately entrusted? Public justice was appeased, and it might surely be now allowed to look back on the public life of the noble lord, and to examine whether or not that life had been devoted to the service of the country, the resentment of which had been so strongly excited against him. From his earliest acquaintance with lord Melville he had watched his actions with the utmost attention, and he had ever found him discharging the various and important duties in which he was engaged with the utmost integrity and ability. He had fought manfully by his side in the defence of our happy constitution, at a time when it was surrounded by the most perilous circumstances. In the peculiar department in which he had so unworthily succeeded that noble lord, he had daily opportunities of witnessing the effects of his brilliant talents and indefatigable assiduity. Feeling most strongly the sentiments which he had endeavoured to convey to the house, he was firmly convinced not only that he should best fulfil his duty to the house and to the public by opposing the motion of the hon. gent., but that he should be guilty of infringing the most valuable privileges of the English constitution, and the most sacred principles of justice, if he could be induced to accede to that motion.

Mr. *Grey* said, he could not allow the question to go to a decision after the speech of the noble lord, without expressing his opinion on the attack that had been made by him on his hon. friend, he might say on the house itself. The noble lord accused his hon. friend of having misled the house into proceedings discreditable to them. How was it that his hon. friend enjoyed so much influence with the house? That he possessed great abilities and great industry was true, but would that industry or those abilities have prevailed on the house to adopt any unjust and improper measure? Besides, what share had his hon. friend in the proceedings complained of? The only one proposed by him was the censure contained in the resolutions of the 8th of April. He afterwards moved for an unlimited committee on the other parts of the tenth report, particularly on those which regarded the question of lord Melville's participation in the profits arising from the use of the public money, but with all the influence with which he was supposed to be invested, did he persuade the house to agree with him? No. And because on a committee of limited authority having been appointed, on the motion of the chancellor of the exchequer, his hon. friend had abandoned his intended proposition for instituting a civil suit, now rendered nugatory, he had been accused of indecision. It was afterwards proposed, and carried, not by his hon. friend, but by an hon. gent. opposite, who had voted in favour of lord Melville on a preceding occasion, and who had never since voted against him. He put it to the house therefore to say, whether or not it was commonly fair or commonly decent, to accuse his hon. friend of having been the cause of the embarrassments in which the house was said to be involved by the adoption of the proposal for instituting a civil suit against lord Melville. By some singular perversion of reasoning, the resolutions passed by that house, expressive of their sentiments on the conduct of the noble delinquent, had been considered by many, and amongst the rest by the noble lord who had preceded him, as punishment. That they operated severely on the feelings of lord Melville he had no doubt, but he denied that they produced any substantial punishment. It was generally the practice to originate impeachments in resolutions of a similar nature. As to the objection that the resolutions had been voted without enquiry, he must repeat what had been so frequently said, that they were founded on facts; they rested on the acknowledgments of lord Melville and Mr. Trotter themselves, which to the house seemed to require no further enquiry. But, then, says the noble lord, a measure of punishment was afterwards taken. What? The resignation by lord Melville of his seat at the head of the admiralty board, followed up by a motion in the house for an address to his majesty to expel him from his councils, which was not agreed to. Was this punishment? was this retributive justice? Would a false steward be considered as sufficiently punished by being dismissed from his situation? For his part, he thought the house had done right in voting for the resolutions of the 8th of April, the necessary consequence of which was, the retiring of lord Melville from office; and he thought they had done right in laying those resolutions before the king, to apprize his majesty, that he had a person in his service unfit for any place of trust and emolument. In the event his majesty ordered lord Melville's name to be erased from the list of privy counsellors. If the noble lord thought this punishment utterly disproportionate to the offence (which he had asserted), he should allege this against the right hon. chancellor of the exchequer, who had recommended his royal master to take this step. In his opinion, nothing in the proceedings that had already been adopted by the house, could operate as a bar against any further proceedings that might be judged necessary. Did the noble lord mean to say that any punishment was too great? or that had any very heinous transactions been discovered by the select committee, the house would have been precluded from instituting a criminal prosecution of the perpetrators? The proceedings of the house had been hitherto confined to the subject of lord Melville's allowing the law to be violated by his agent. Why not, on that part of the subject yet untouched, the participation of lord Melville in illicit profits, institute a criminal prosecution? What could be urged against such a step? It could scarcely be maintained that other parts of the transaction were subject to criminal prosecution, but that this was sacred. The question then arose, whether or not lord Melville had enjoyed such participation? This the noble lord did not affect entirely to deny. He contended indeed, that the participation was not so extensive as it was asserted to be by lord Melville's accusers; but he admitted that from such participation it was possible he might derive an income of 750l. a year. If so much were admitted, the house might easily conjecture what was the fact. The noble lord expressed his opinion, that the drawing of money from the bank for the purpose of facilitating the details of the navy office, was a violation rather of the letter than of the spirit of the act of parliament. If it were really and *bonâ fide* for the purpose of discharging these small sums, it would be so; and neither he, nor his hon. friend, nor any man in the house would, he was convinced, be so vindictive as to pursue such an infringement of the act to punishment. But, was this the charge? No; the charge was that lord Melville, under this specious pretext, did authorize Trotter to withdraw immense sums of money from the bank, to be afterwards employed by him to purposes of private emolument. The enquiry would resolve itself into two heads. Was this done with the concurrence of lord Melville? and if so, did he participate in the emolument of it? Into the discussion of these two points, the hon. gent. entered, and brought a variety of circumstances from the tenth report, and from the report of the select committee to establish them. By the act founded on the report of the commissioners of public accounts in 1785, lord Melville must have been aware that no additional perquisite or gratuity was to be made to the salary allotted by that act to the paymaster of the navy. The operation of that act with regard to the transfer of balances from the hands of the paymaster into the custody of the bank, was deferred by the sole authority of lord Melville, from July 1785, when it ought to have taken place, to January 1786, when it actually did take place. On some of these balances positive proof existed of profit having been made by lord Melville; on two of these balances particularly, amounting in all to 5,000l. of which the country had never received a shilling. To conceal the false accounts of transfers, the documents, memorandums, &c. had been so cautiously destroyed. The noble lord asserted, that the practice of lodging money in the hands of private bankers was attended with much convenience, and that that convenience had been affirmed by the evidence of Trotter; but since he had left the office a new arrangement had taken place without any recourse to this expedient, which had been found perfectly compatible with convenience. However painful to him, he must say that he could not possibly give credit to the assertion made by lord Melville in the house, that in 1797 he did not know, that money to a large amount had been drawn from the bank by Trotter. Lord Melville had been accommodated by Trotter with large sums of money, not bearing interest, and he must know, that Trotter had no means of raising this supply but by withdrawing it from the bank. Was he not aware that the 22,000l. advanced to Tweedie, had not been drawn from the bank, merely for the details of public service? It was impossible that he should not be so. When therefore we find him assuring the chancellor of the exchequer that any reports of such proceedings were unfounded rumours, this was an additional circumstance to prove the necesssity of a criminal prosecution. Then, as to the famous transaction of the release, containing a positive engagement to destroy not only the vouchers and memorandums, but even the books of accounts. The time at which this agreement was entered into, was enough to prove the real cause of it. As to registration, it was no publicity. In his letter to the commissioners of naval enquiry, why did not lord Melville state that the burning of his papers was in consequence of that release? The articles by which lord Melville was suspected of making profit, he denied separately, but the charge was not on particulars, but that he had generally known of, and participated in the speculations of Trotter. The sums advanced by Trotter to lord Melville, increasing gradually from eight hundred pounds to nineteen thousand pounds, could not proceed from any but public funds. Of the ten thousand pounds in the hands of lord Melville previous to the paymastership of Trotter, we should never have heard but for the committee. This, therefore, was a new circumstance, and a most material one. It was contrary to law that he should be in possession of that sum; and when he comes and tells you he will never disclose the application of it to any man, he affords the strongest presumption that the application was as illegal as the possession. If parliament passes over such a declaration as this unpunished, there is an end of all responsibility in the public officers. Of what use are all the acts restraining such transactions? Of what use are the regulations respecting secret service money, if a treasurer of the navy, or a paymaster, or a lord of the treasury, can divert the public money to any purpose he pleases; and then boldly say, he will not only refuse to account to the house for the application of such money, but that he will refuse to communicate it to those who ought to be completely in his confidence, in all public measures? A licence would thus be given to malversation. The noble lord says, punishment is only for the sake of example, and that the example has already been rendered sufficiently striking to deter any imitators. This is certainly the principal, but not the sole end of punishment. Punishment was sometimes inflicted for the purpose of reforming the offender, sometimes to remove him from the possibility of a repetition of his crime. A variety of circumstances concurred to modify it. But in the present instance, had lord Melville done any thing much less than what he has done, what punishment could be inflicted less than that which he has suffered? If the noble lord had been detected in forgery, the degradation that would have followed would have been intolerable to a man of feeling; but no man would say, it would have been enough to satisfy the justice of the country. The severity of justice was not designed for the reformation of the individual, but to deter others from similar crimes. It was on this principle, that the privacy of the crime was, in our law, a ground for the aggravation of the punishment. The crime principally complained of in the present instance, had continued 14 years undiscovered and unsuspected, and was at length discovered only by accident. A rigorous prosecution was necessary to prevent the example of the long secrecy, the detection merely by accident, and the insufficiency of the punishment on the detection being drawn into an example to encourage future malversation. The proceeding by impeachment afforded the noble lord more ample means of defence, for it would comprehend the whole consideration of the circumstances of the case. The noble lord stated, that it was impossible lord Melville could defend himself against a criminal prosecution, having destroyed his papers. That, however, was lord Melville's own act, and ought not to prevent his trial. If, on the trial, the court should be of opinion that he had not participated in the profits, and that his crime was merely having inadvertently suffered the abuse, he would be acquitted and restored to his station. For these reasons, and for those so ably enforced by his noble friend near him, (lord Henry Petty,) who, every time he spoke, raised himself higher in the opinion of the house, he was for the original motion, for proceeding by impeachment. Next to impeachment he approved of the criminal prosecution, and if the original motion should not be agreed to, he would vote for the amendment, and move the insertion into it of the words, "that the attorney-general be directed to prosecute." He had no personal ill will to lord Melville. On the contrary, he would rejoice if the noble lord could be proved innocent. He supposed the noble lord alluded to him, when he stated that the lashes inflicted on him were rendered more severe by the consideration of the hands from which they came. He understood this to apply to him from a former allusion. But he denied that any obligation had been conferred on him in the matter referred to, which should prevent him from doing his duty. It was merely an act of justice that was done, certainly to persons who were most dear to him (lord Grey, and earl St. Vincent). He had himself most earnestly pressed for the enquiry, in opposition to those who were supposed to have acquired some right over resisting it. How did it happen that this ingratitude, which was now so liberally charged upon him, was never once mentioned during his constant opposition to the right hon. gent. opposite (the chancellor of the exchequer), who was equally active in conferring the supposed favour, and against whom he had moved decided resolutions of a criminal nature? The magnanimity of employing in the service of the country persons of opposite political sentiments had been much insisted upon; but the fact was, that the noble earl whose services had so much benefited the country, had always taken a very different course of politics from him. The noble lord who was the subject of the present debate had less right than any man to complain of the possibility of the persons by whom he may be tried having been present at the meetings where resolutions had been entered into against him. If any hardship could arise to the noble lord in this respect, it was a hardship inseparable from the constitution. The persons who had attended these meetings had not done any thing to prejudice the noble lord's case; but no man was less entitled to complain of hardship in this respect than the noble lord. Every one would recollect the proceedings held with respect to the state trials in 1792 and 1793, and how active the noble lord had been in promoting all these proceedings. Taking the two reports together, he thought there was an irresistible mass of evidence to shew the criminality of the noble lord. If the impeachment should not be agreed to, he hoped the house would vote that he be proceeded against criminal.

Lord *Castlereagh* explained: he had stated that if the fifteen thousand pounds lent to lord Melville, should be proved to be public money, even then the advantage enjoyed from the use of it would amount to no more than seven hundred and fifty pounds a year, for which a man in lord Melville's situation could hardly be supposed to hazard his character.

Mr. *Robert Dundas* (son of lord Melville), adverting to some allusions that had been made to the observations of lord Melville in his address to the house, declared his conviction that nothing could be further from the mind of that noble lord than to impeach the right of any member to deliver his opinion fully upon any public topic. However, he could not help justifying the complaint of the noble lord as to the manner in which the right of public discussion had been exercised elsewhere. The noble lord was entitled to complain of the conduct of those gentlemen who had made statements and delivered opinions upon his case before persons who were not competent to form a correct decision; before assemblies which were not qualified from capacity to investigate and determine upon the question. This conduct was the more deserving of complaint and censure, because many of the statements that had been made were the very reverse of the truth. It was understood that at one of the late public meetings, in the neighbourhood of the metropolis, a person of high rank and consideration was heard to say, that high loans and burthensome taxes proceeded from the speculations of lord Melville and Trotter. Now, in point of fact, nothing could be more untrue, and yet could any thing be more particularly calculated to mislead persons incapable of judging, and to inflame popular prejudices? There were other points to which he was not disposed to allude, and to which, indeed, from the able manner in which they had been treated in the course of the debate, by some gentlemen who concurred with him in sentiment, he did not think it necessary on his part to call the attention of the house, although they appeared to him peculiarly delusive. Of these points, however, there were some which he could not persuade himself intirely to overlook. It was stated in the resolutions before the house, and the statement was frequently echoed by the gentlemen on the other side, that lord Melville postponed the execution of the act of the 25th of his majesty, for about half a year, and from this alledged postponement, several very injurious inferences were drawn. But, how did the case stand? the gentlemen who made the statement had not, it appeared, ever perused the act. For, in the very first clause it is prescribed, that the treasurer of the navy should make out annual accompts. Now, the act passed in July, 1785; the annual accompt was directed to close on the 31st of December, 1785; of course it could not commence before January; and from this proceeded the postponement complained of. Had the noble lord opened the accompt immediately on the passing of the act, he could have opened the first accompt only for six months, which he was not competent to do, as the nature of the accompts and the time for the first accompt to close was expressly mentioned in the act. With this statement he left the house to conclude, whether the charge against lord Melville, in this instance, of delaying the execution of a statute for sinister purposes, was at all applicable. With regard to the allegation, that lord Melville had been guilty of practising a wilful and fraudulent deceit upon the public and individuals respecting the mode of withdrawing naval money from the bank and transferring it to a private banking-house, he must observe, that notwithstanding all that had been urged on the other side, the natural and fair conclusion from the noble lord's conduct on being informed of the communication from Mr. Raikes was this, that he was entirely unconscious of any illegality so far as he knew of the proceedings of Trotter. The impression on the noble lord's mind appeared to be, that no more money was drawn from the bank by Trotter than was necessary for the convenient discharge of the business of the Navy Office. That large sums were transferred by Trotter to a private bank for his own private profit with the knowledge of lord Melville, really did not seem from this part of the case, upon which some gentlemen dwelt so much. An hon. gent. had taken notice of some sums of money which were in different descriptions of stock in the name of lord Melville, at the time the noble lord retired from office. But he could assure the house and that hon. gent. that if it were not that lord Melville was unwilling to trespass on the attention of the house, when he was before it yesterday, by a disgusting detail of family transactions, he could have easily shewn that of these several sums there was not one which had the least connection with public money or public affairs, excepting that which related to the loyalty loan. There was, indeed, a part of the property alluded to, with which he had himself some connection, and that part the house might be assured was never purchased with public money. The hon. gent. therefore was not founded in the insinuations he threw out with respect to this stock.—Now, as to the release, of which so much had been said, he could state, that gentlemen were under a considerable mistake when they imagined that such an instrument could be registered without publicity. The fact was, that like all other deeds in Scotland, where there was a clause of registration, it might be inspected at the register office; and as to the omission of the names of the procurators in the body of the release, which a noble lord (H. Petty) had last night remarked upon, a similar omission was to be found in every Scotch deed, the names of the procurators never being known until the deed was about to be proceeded upon. It had been argued by the hon. gent. who moved the impeachment, that a concert between lord Melville and Trotter respecting this release was fairly to be presumed, because, as the hon. gent. stated it, a precept from the Naval Commissioners was issued on the 17th of January, 1803, requiring a return of the balances of public money, at several periods, in the hands of the treasurer of the navy, &c. to which precept a return was made early in February, just about the time of the execution of the release. In this statement he conceived that there must have been a mistake: for lord Melville being at that period in Scotland, it was impossible that the precept could have been served upon him and the return received within the time mentioned. Having made enquiry upon this point, he was enabled to state positively that no such precept was ever served upon lord Melville, nor did he know of any precept whatever from the Naval Commissioners until that in July, 1804, which was mentioned in the Tenth Report. The train of suspicious circumstances, therefore, which the hon. mover would deduce from the precept alledged to have been issued in January, 1803, was, with respect to lord Melville, totally unfounded.

Mr. *Ellison* contended that there were ample grounds for putting lord Melville on his trial. The country at large expected to have the matter before them, and the people had a right to know the truth; which could not be known without a trial. When he saw that the money of his constituents had been applied to improper purposes, he felt it his duty to support the impeachment, and he trusted the enquiry, which he was sorry to see so many gentlemen desirous to avoid, would carry the noble lord free and innocent through the business, and he wished to see him put in a situation, in which matters would be settled either to his honour or his punishment. It was at least the duty of the house not to let the business go without investigation.

Mr. *G. Vansittart* was for instituting a criminal prosecution; but the expence attendant on an impeachment was so enormous, that he wished it to be instituted by the attorney-general as a mode most consistent with economy, and best calculated to promote the ends of public justice.

Mr. *Bankes* regretted that the house had not come at first to the resolution of a criminal prosecution, as he had recommended on a former occasion. It had always appeared to him, he confessed, that a civil prosecution could be attended with no ultimate advantage, and that the only way to investigate and sift the matter, was by a criminal and not a civil suit. He was led, on various grounds, to prefer this mode of proceeding to an impeachment, though that he argued was still open. The inconveniency that the last impeachment had caused to many individuals must still be fresh in the recollection of the house, as well as the little honour that accrued to them from the result of that proceeding. This circumstance alone was sufficient to induce him to prefer almost any other mode of proceeding that was at all likely to meet the great ends of public justice. It had been asserted, however, by those who, he thought, ought to know better, that there were no precedents for this proceeding: but there was one to which he would call the attention of the house, and which agreed in almost every respect with the case in question. It corresponded particularly with the present case in the person being of superior rank. He meant the case of lord Halifax, who on the 27th of January 1702. by certain resolutions of the commissioners was found guilty of a breach of trust in not revising the quarterly accounts, as it was the duty of his office to do. It had been represented as irregular, and contrary to the principles of justice to find a person guilty before ordering a prosecution: but it was certainly the most natural way to find first the breach of the act of parliament, and then to order a prosecution on the ground of that breach of the act. This was exactly the practice adopted in regard to lord Halifax. He was first declared guilty of a breach of trust by the resolutions, and those resolutions were afterwards laid before her majesty, praying her majesty that she would be pleased to give directions to her attorney-general to prosecute lord Halifax for his offences. In this instance, therefore, there were three different steps observable, the resolutions of a breach of law, the vote to carry up those resolutions to the throne, and the address to her majesty to direct her attorney-general to institute a prosecution for the same, but it had been alledged by the friends of the noble lord, that his removal from his majesty's privy council was punishment enough in consequence of the resolutions they had carried up to the throne. But this removal was not in consequence of any motion of the house to that effect. It was the act of his majesty alone, which he had done, not by any address from them, but by the advice of his ministers; and it appeared to him that they had advised his majesty wisely, that a person, so accused, as his lordship was, should not be permitted to hold any official situation. But this was merely an act of expediency, and did not mark any positive degree of guilt, as such measures might with propriety be adopted in relation to persons in the least degree suspected, as well as to the most guilty.—But the case of lord Halifax was not the only instance that bore on the present question. In the year 1711, when the censure of the house was voted against the duke of Marlborough, who had done much for his country, and whose services certainly could not be reckoned inferior to those of the noble lord in question, the resolutions were carried up to her majesty, and as it was customary for the crown, at that time, and not the house, to direct prosecutions, she ordered a prosecution in consequence of the address from the house, notwithstanding the duke was not then in the receipt of any emoluments from office. Those resolutions therefore, it appeared, were not considered of themselves, as sufficient punishment, nor yet the deprivation of emolument that might accompany them. But had the address been intended to operate as a sufficient punishment, it ought to have been presented in another shape, and to have prayed his majesty to have dismissed him from his presence and councils for ever, for as things now stood, the noble lord might be restored, at no distant period, to that situation from which he had been removed. The dignity of the house could not be preserved, nor the satisfaction of the public ensured, without a fair and open trial. It had been argued that there were no new circumstances to justify any farther measures, but this assertion he totally denied. Was the discovery of the release not a new circumstance? Was not the 10,000l. due by lord Melville under the paymastership of Mr. Douglas, a new circumstance? And was it not worthy of remark, that Mr. Douglas could not have advanced that sum to his lordship on the same ground as Mr. Trotter, as he is not pretended to have been his private agent, and yet no memorandum of it seems to have existed in the office? If such then were the additional transactions that had come to their knowledge, what would the public say should they shut their eyes against these new discoveries, discoveries made, too, contrary to what had been asserted?

Mr. *Canning* rose and spoke as follows:—The hon. gent. who has just sat down seems to consider that he has found out an easy solution to all the difficulties and embarrassments that other gentlemen have conceived this question is involved in. He has undertaken to shew that there is nothing contrary to the established usage and custom of parliament in the proposition which has been made to you, and to prove this he has cited two instances, which he seems to consider perfectly applicable and similar to the present case, but which I conceive to be widely different from it in the most material circumstances. The first instance which he mentions is the case of lord Halifax, in the year 1702, when it appears from the journals of parliament that the house of commons presented to the throne the resolutions which they had entered into with respect to that nobleman, and that queen Anne accordingly directed her attorney-general to prosecute; but the great difference between that case and the present is this, that the house of commons at that time announced to her majesty at once the grounds of their resolutions, and the object of them, and the prosecution was therefore immediately ordered. In the second instance, when the house of commons voted resolutions expressive of their displeasure of certain parts of the conduct of the great duke of Marlborough, the crown of itself ordered a prosecution, as conceiving the communication of the displeasure of the house did at that time imply a recommendation to the crown to commence a prosecution. But how did either of those cases resemble the present in any point that was material to the present discussion? In lord Melville's case, the commons had neither stated to the crown their wish that a criminal prosecution should be instituted, nor could the resolutions they had entered into be supposed to convey that idea. They could not be so understood when they were presented at the foot of the throne; they were not so understood when they were voted by the house. In the case before cited, the meaning and the wish of the commons were distinctly stated, and the natural consequences followed; but in the present instance, the resolutions which were first entered into by the house of commons, did not express or convey any ulterior object, they could not be understood to convey that which had not even been stated by those who proposed them. In this respect it appears to me that there is a wide difference between the present case, and those with which the hon. gent. has thought proper to compare it. There are some observations which have been made by another hon. gent. (Mr. Grey) to which I think it necessary to reply. He seems to consider it a most unusual, if not unparliamentary thing for the noble lord who spoke yesterday (lord Melville), and for the noble lord who has this day spoken (lord Castlereagh), to comment rather freely upon these resolutions of the house, and to appear not perfectly satisfied with them. I am not a very old member of this house, but I have sat long enough in it to know that it is not at all unusual in other cases to refer to the conduct of parliament both in former times and in the present, and to express fully the opinion that any member may entertain of the votes and proceedings of the house when that opinion is necessarily connected with the question under discussion. If this is a practice in all common cases, why should it not be permitted in cases where the legislature have acted in a judicial capacity? Why should not we be as much at liberty to speak with freedom of these resolutions as of other votes and proceedings of the house, especially when every one must acknowledge that they were brought forward after a hot debate, and adopted with more precipitancy than is usual in parliamentary proceedings. The hon. gent. (Mr. Grey) has said not only that the noble lord who sits near me (lord Castlereagh), but that lord Melville has complained of the resolutions of the house. When lord Melville was permitted to address this house, I cannot see why he should not have liberty of complaining, if he thought proper, of those resolutions from which he has suffered so severely. But the fact is, that lord Melville did not make any complaints as to the justice of your resolutions, he did not make any additional confessions which he had before refused to make, but he confined himself to explaining several circumstances, which, without his explanation, might have been completely misunderstood by the house, and in which he conceived he had been misunderstood. He contended that he had been misunderstood, if it was ever supposed that he had meant to admit that he knowingly permitted Mr. Trotter to draw the public money from the bank for his own gain, or that he had at all authorized those speculations which had been made in discounting bills and buying stock. If the house had been mistaken in their construction of his evidence, why should he not be at liberty to explain it, and to shew that they were mistaken in the conclusions they had drawn? If the house supposed that lord Melville had permitted or consented to the drawing money out of the bank for the private emolument of Mr. Trotter, or any other, at least that supposition could not rest on any admission of lord Melville, and could hardly be deduced from the tenth report; for by referring to the evidence of lord Melville, in page 142 of the report, it would be seen that what lord Melville admitted he had authorized Mr. Trotter to draw for, was merely so much public money as was necessary for the payment of the assignments from the different offices, and for the small payments. The sense that those words would convey to any impartial and unprejudiced mind would certainly not be so construed as to be conceived an admission of an authority to Mr. Trotter to draw other money than what is so mentioned, and for other purposes; not for the objects expressly stated, but for his own private emolument. If from other circumstances you can infer, that a greater degree of guilt attaches to lord Melville, that may be a different question; but certainly it should be distinctly understood that there is nothing in lord Melville's admission from which it can be presumed that he either authorized or knew of any improper use being made by Mr. Trotter of the money drawn from the bank; or that he ever imagined that Mr. Trotter could have derived any other advantage, except that small premium, which, in some parts of the country, is given, on the deposit of large sums at a private banker's. From the evidence of lord Melville, it appears highly doubtful whether he could have conceived that he was at all violating either the letter or the spirit of the law. It appears highly doubtful whether, in fact, he did violate the law. It is my decided opinion, that if no other money was drawn from the bank than what was necessary for the payment of the assignments, and for the smaller payments, there was no violation of the law. Upon this point many gentlemen, both in this house and out of it, are completely mistaken in their opinion, when they consider the question as merely drawing money from the bank of England, and putting it into a private bank. If the money was legally drawn out of the bank, the question is not between the bank of England and Messrs. Coutts, it is not that the house of Messrs. Coutts has been substituted for the bank, but it has been substituted for the iron chest in the office, where the money might have been kept in a manner more agreeable to official form but not with more security. The question of security is not between the bank and Messrs. Coutts, but it is between the iron chest at the office, (which is in some degree exposed to the various persons about the office), and the private banker; and, in this view of the subject, I do not hesitate to say, that I think the security of the private banker is greater than that of the iron chest. If there would have been no violation of the law in leaving the money so drawn out in the iron chest, I will contend that it is no violation to leave it in the hands of a private banker. If, again, instead of the money so drawn from the bank being left by the paymaster in the hands of his private banker, it had been left in the hands of sub-accountants, that would have been more agreeable to the forms of the office, but certainly it would not be safer for the public. The question, therefore, appears to me to be, whether lord Melville authorized any other money to be drawn from the bank than what might legally be drawn? and it is my opinion the public has suffered nothing, the law has suffered nothing, not a hair of its head has been violated. If I was asked, whether I would prefer placing the balances in my hands in the iron chest of the office, or in the hands of a private banker, I should now certainly prefer the iron chest; not that I think it more secure, nor yet as secure, but because, after the dreadful experience of the consequences which might result to me personally from lodging it at a private banker's, after seeing the misfortune which it has occasioned to lord Melville, I should not venture to do so, even if I were convinced in my own judgment that it was the safer and the better way. Without dwelling longer on the disgusting transactions of Mr. Trotter and his accounts, I should wish to ask gentlemen on the other side, do they believe the evidence of lord Melville, or do they not; or do they only believe such parts of it as makes for them, and reject all that makes against them? If you do believe the evidence of lord Melville, how can any person, in conscience or in sense, reject that account which he gave at first, without the least disguise, as to his knowledge of Mr. Trotter's gains, and which he has again distinctly explained in his speech last night? What could be more natural than for him to suppose that Trotter might derive some small emolument, in the nature of a per centage, on the money deposited by him in the hands of his private banker? Such is the universal custom in Scotland; and I have made particular enquiries, and find it is the custom also at many of the country bankers in this country, with many of our principal merchants, and even with some bankers in London. It was natural for him to suppose that this was all the profit which Mr. Trotter made, and that a small and incidental advantage of that sort was not contrary to the law. It could not then be contrary to the custom of parliament, or to the respect due to this house, to speak freely on those topics upon which the resolutions may have been grounded. The time is now come when we must see that it is absolutely necessary for us to review the evdience upon which the resolutions were grounded. While we kept the business in our own hands, it was sufficient for us if we were satisfied with the evidence; but when we go farther, and propose prosecutions, we must consider whether we have any evidence that can legally support the conclusions we would wish to draw. In our proceedings in this house, it is incumbent on the party accused to bring forward evidence to discharge himself; but if we are determined to send the matter to be tried before other tribunals, it is we that must bring forward legal evidence to support our prosecution, and, therefore, before we decide on a prosecution, it appears to me absolutely necessary to consider whether there has been any evidence which would legally be sufficient to support it. It has been admitted by almost every gentleman who has spoken on this subject, that if there had appeared nothing more against lord Melville than what was on the face of the tenth report, it would be inconsistent with the former decisions of the house to propose any new measure of punishment. They allow that the loss of his situation as first lord of the admiralty, and his name being struck out of the list of privy counsellors, was as great punishment as the house of commons meant to inflict for the violation of law stated in the tenth report; and they say, that if nothing new had appeared in the present report, it would be unjust and inconsistent to propose now any thing more than what has been already proposed. I shall therefore consider, what it is that has now been disclosed which aggravates the complexion of that guilt which appeared on the face of the tenth report. At the time that you passed those resolutions, it was confessed that sixty thousand pounds of the public money had been diverted to purposes not naval; but since that time forty thousand pounds have been accounted for in a manner that is perfectly satisfactory to many gentlemen, and certainly in a manner that cannot be considered by any body as an aggravation. Where then is your new fact? You passed those resolutions when sixty thousand pounds were unaccounted for, and now you are called upon to take much severer measures, when only twenty thousand pounds remain to be accounted for. On the resolutions you first passed, lord Melville has been punished—most severely punished. I cannot conceive what stuff that man's heart is made of, who can say he has not been punished. It now turns out, that the greater part of the money, which was then unaccounted for is now perfectly and satisfactorily accounted for; and that what at first appeared so illegal, will hardly now be called any thing more than irregular. The ten thousand pounds which lord Melville confesses he borrowed from Mr. Trotter, for his subscription to the loyalty loan, and which he afterwards replaced, was not a circumstance, which, standing by itself, could at all induce such a degree of suspicion, as to be a ground for very vindictive proceedings. As to the great imprudence of lord Melville about his private affairs, I am perfectly ready to admit it. I consider that it was most highly imprudent in him to have employed the same man with whom he was connected in office to be his private agent. For this imprudence he has paid most dearly; and certainly, if, instead of employing Mr. Trotter as his agent, he had employed any other person of property or connections, it would have been no extraordinary demand for a person in his situation, and with his income, to apply to his agent to procure him the means of subscribing ten thousand pounds to the loyalty loan, which, as his lordship expressly stated yesterday, he intended to sell out immediately after the instalments were paid. This would certainly have been an accommodation no greater than he might have expected from any other agent, and it is only from the circumstance of Mr. Trotter being at that time paymaster of the navy, that this sum of ten thousand pounds makes so considerahle a figure in that account. To this imprudence in appointing Mr. Trotter his private agent was added, the imprudence of confiding too much in him, and a negligence in not watching him as he ought. His confidence was misplaced, and he was blameable in not sufficiently watching him; but surely that was not a sort of blame which would ever induce the house to add to the severity of the punishment they had already inflicted. As to the point of the releases, an hon gent. (Mr. Bond) had stated them as if they had been locked up in a private box, and were intended to be carefully concealed from every eye. I think I have a right to complain of the hon. gent.'s stating such a thing as this, on an occasion of such great importance, when it is impossible for him to know the fact to be as he has stated, and when I firmly believe the fact to be entirely otherwise. He seems to speak with doubt of the registering, and considers the execution of that paper as proof of a conspiracy between lord Melville and Mr. Trotter. This circumstance has already been explained, and it can hardly be imagined that lord Melville could be so foolish as to contrive so weak a plan for executing a deed, to do that which could be done as effectually without a deed, and without admitting any other person into the secret. It has been urged as an aggravation to the criminality of violating the law, that he himself was the maker of it; on the other hand it might full as well be argued, that in a case of the doubtful construction of an act of parliament, he who made the act was most likely to understand the meaning of it. It would be hard that his authority should be counted as nothing in the construction of the act, but that it should be reckoned as a great aggravation of his offence in violating not his construction of the act but yours. It has been said, that lord Melville's bill was exactly the same as that for regulating the paymaster of the army, and that the cases were precisely similar. There, however, was a very marked distinction between them. In the army the detailed payments were made by the different army agents, and the payments made at the paymaster's office were so few and so simple, that there could be no occasion for drawing money from the bank. The reason of lord Melville's bill was, however, very different; before that time almost every successive treasurer of the navy, on quitting the office, carried with him large balances of the public money, and was responsible for the payments due in his time; the consequence of which was, that there were at the same time no less than three ex-treasurers of the navy, all having large balances in their hands. To remedy these inconveniences, lord Melville's act provided that, in fact, there should be in future but one treasurer of the navy; that each, at his departure from office, should hand over his balances to his successor, and that those different balances should be formed into an aggregate sum, which should be deposited in the bank, and only drawn out under certain circumstances. Could any thing be more absurd than to suppose, that when lord Melville framed this law he had it in his contemplation to break it, and to break it for a consideration so very trifling and paltry as those sums are which he is supposed to have gained from the employment of the public money? I have also been informed, from enquiries I lately made at the bank, that the original power given by lord Melville to Mr. Trotter was very strictly drawn up and worded, and perfectly agreeable to the act. The reason I can speak positively on that fact is this: I called at the bank lately to know what was the proper form of an authority to give to a paymaster whom I lately appointed. I was then given the form of lord Melville's power to Mr. Trotter, as being much more strictly drawn than any of the preceding powers. I mention this circumstance, to shew that lord Melville could not at that time have had any deliberate intention of violating his own act, and if he almost immediately did allow Mr. Trotter to draw money from the bank in a manner that appears to this house a violation of the law, it could only have been that he construed the law upon this point differently from the manner in which the house has since construed it. I must again ask, where are the new facts which should now induce the house to inflict new and severer punishment? We all recollect the impression that was on the public mind at the time those resolutions were passed; we then heard of the immense profits, of the enormous gains which lord Melville must have made of the public money, and now those enormous profits are diminished so far that by the highest statement they do not exceed two thousand pounds per annum. I must confess I was astonished at this falling off, and nothing can appear clearer to me than that the supposed injury, which it was thought the public had received, has now dwindled into almost nothing. It certainly will not be said that this sum of two thousand pounds was the occasion of fresh loans and taxes. I agree most perfectly with the observation of lord Melville yesterday, "that the time is not far distant when the unnatural magnitude to which the offence (if offence it was) has been swelled would subside, and his character be rescued from the obloquy which now attends it." Under the circumstance of the great confusion and mixture in Mr. Trotter's accounts, was it possible for lord Melville to say positively whether he had or had not received some profit from the public money? No man can say positively whether or not he has received public money. If a man sells his horse, it is impossible for him to say, whether what he receives as the price of it is or is not public money. The circumstances under which the examination of lord Melville took place were somewhat extraordinary. He received a very polite note from the commissioners of naval enquiry, requesting his attendance to explain to them the manner of doing business in the office of the treasurer of the navy. He attended the invitation without in the least suspecting that the examination was to be pointed against him. A few questions were asked him, to which he replied. They then printed their report, and this was what was called his trial. If a man, without any notice that any charge was intended against him, should be requested by a judge's letter to come to the Old Bailey, and should there be asked a few questions, would that be considered as a trial? The questions in this case were all prepared and concerted, the answers were given without suspicion and without time for much consideration. There is a sum of five thousand pounds, which, it appears, was but lately replaced, but until lately there was no one authorized to receive it. As to the business of Jellicoe, it is confessed on all hands, that the debt was contracted before lord Melville's treasurership, and the only blame attempted to be laid to his charge in this respect is, that having it in his power to ruin Mr. Jellicoe at once, he preferred making some arrangement, by which some part of the debt was recovered for the public. The very circumstance of the great default of Mr. Jellicoe serves to prove, that it was safer that the balances of public money should be left in the hands of the paymaster or his private banker, than that it should continue, as it had done before, in the hands of failing sub-accountants, of other Mr. Jellicoes. I have now gone through the principal grounds on which those resolutions appear to me to have been founded, and I will put it to the feelings of every man who hears me, whether it ever could have been the intention of the house to inflict their punishments at different times, to wait, as it were, until his stripes were healed, in order to give additional torment, and to prolong the pain? This would not be suitable to the genius or disposition of the people of this country, it would not be the road to public favour; on the contrary, the way to public favour in this country would be by that of justice, to hear all, to enquire into all, and to punish once for all; but even this severity is not equal to some other people's mercy. The hon. member, who has recommended what he has called the lenient course, wishes to deprive him even of the privilege of being tried by his peers. It should be considered, that men in high situations are much exposed to the envy of men comparatively little, who would have pleasure in trampling on those who once were high and great. On this account, I think he ought to be tried by his peers, if there should be any occasion to try him at all. I must confess that I feel, however, much astonished that there should be gentlemen who seem to wish that the civil suit should be stopped, merely in hopes a greater punishment might be obtained by the criminal prosecution; but that if that failed, they would like to have recourse to the civil suit again. I hope that such a sentiment as this will never be generally felt in this country, and that such a conduct will never be adopted by this house.

Mr. *Bragge Bathurst* said, that if the right hon. gent. who had just sat down (Mr. Canning) thought sincerely that it would conduce to the interest of viscount Melville in the minds of the members of that house, that it would add to the honour and character of that noble lord, either with the house or the country, to mention in the manner he had done the motion made by his right hon. friend (Mr. Bond), he was certainly right in doing so; but in this he differed intirely from the right hon. gent.; and thought, therefore, it was his particular duty to give his reasons for supporting the motion of amendment brought forward by his right hon. friend, being conscious that it did not merit those sarcastic epithets which had been applied to it. He thought the right hon. gent. who spoke last, had been very much mistaken relative to an article, namely, the release. It had been vauntingly said, by more than one hon. member, that his right hon. friend was ignorant of the laws of Scotland, and altogether wrong in having asserted that deeds in Scotland need not be registered. He was certain this must proceed upon a most palpable mistake. His right hon. friend had not maintained any such position. He had only said, that a deed in Scotland might be recorded, and very often was so, without the contents being at all known, the title and date, with the names of the parties, being the whole that was recorded. It now turned out, however, that this deed, instead of being recorded, was in such a state as that it would not perhaps ever be recorded. The names of the procurators were not put to it, and without these it never could be recorded. With respect to the motion itself, as brought forward by his right hon. friend, it had, in order to avoid all objections, been drawn up in the same form as those motions have generally been. It had always, he believed, been usual to leave to the attorney-general the mode of commencing the prosecution, and of applying every circumstance that might tend to render it effectual. As such, the motion was generally worded, so as to leave the whole to his conduct, discretion, and superior legal knowledge. With regard to the particular situation of the house relative to the proceedings which had already taken place, he, for his own part, saw no difficulties but such as were of their own creating. If it could be shewn they had done any thing which was actually done, or which it would be better not to have done; there was a plain and obvious track for the house to pursue, they might retrace their own steps. The other house of parliament, in a case of a similar tendency to the present, had for weeks past been doing the same, and he was confident that house might proceed in the way proposed, without any disgrace or merited censure. The question was not whether there should be any investigation at all, but whether the investigation should take place through the medium of a civil suit, or a criminal prosecution. It was for the house to consider and determine that point, and to proceed accordingly. In his opinion new matter had certainly arisen out of the last report. Thence arose the question on which so much had already been said, relative to the 10,000l. and to the 23,000l. which had not before been at all explained. These facts, he would allow, were not new in allegation, but they were so in point of proof, and unquestionably new facts would warrant new proceedings. If no criminal proceeding was instituted, the justice to the country, which was its due, and which was at present so loudly and universally called for in consequence of these very transactions, could only be obtained by a civil suit. In his opinion, it was perfectly fruitless to hope or expect any such thing. It was, therefore, for the house to decide, whether they would try viscount Melville by civil suit, which could produce nothing in favour of the public, for that strongest of all reasons that had been so often mentioned, namely, that the papers and vouchers which could alone furnish the necessary proof against him, were all destroyed; or, whether they would call the noble viscount to account by prosecuting him in a criminal way, and thereby endeavouring to obtain justice, and a due degree of punishment for the connivance he had been guilty of, and the share he had taken in the illegal disposition of the public money which had come to his hands, and of which he had repeatedly avowed he would give no account. He thought, therefore, there was very good ground to proceed, and that it was absolutely necessary they should do so. If viscount Melville was innocent, the house had done too much, and justice would require they should retrace ther steps. If the noble lord was guilty, the house had not done enough; and the duty they owed themselves, as well as that they owed the country, demanded they should proceed, and bring him to that punishment which it might on a fair trial be found he deserved.—The right hon. gent. then adverted to what had been said relative to the evidence which he had given before the commissioners of naval enquiry, as to the reason for his altering the mode of drawing money from the bank, during the time he was in the office of treasurer of the navy. He thought the best way he could pursue, in order to put the house into the real possession of it, was, to read it from the printed evidence; which he accordingly did, and it appeared thereby, that on the commissioners of naval enquiry asking him, "what was his reason for altering the mode of drawing money out of the bank to be used for naval purposes?" He answered, "because he thought it inconsistent with the act of parliament, and that it was his duty to remedy immediately that irregularity." The house would see that he had mentioned it as an irregularity only. He thought, however, that money drawn from the bank in order to be employed in private purposes, or for any other that were not naval, was a direct violation of the spirit of the act. He then adverted to the 10,000l. as matter of criminal charge, and said, it was asserted it could not be so, because it was used before the act passed. Of that, however, there was no certainty. And where money was granted for public purposes, to apply it to private, was undoubtedly gross malversation, as many recent cases would plainly shew. There were some ministers, and many persons in public offices, who had their salaries very considerably increased, in consideration of their relinquishing their right of taking fees. Now, if any of those ministers, persons in public offices, police magistrates, and others, were to receive the salary and the fees also, he should think they were guilty of a direct breach of the law, and ought to be punished accordingly. The right hon. gent. (Mr. Pitt) had admitted on a former occasion, that the sum of 10,000l. was not satisfactorily accounted for. How then was the house to obtain that satisfaction? He had already said, it could not be had by a civil suit. It must, therefore, be by some other. He did not wish for any harsh measures; but the country expected, and was entitled to satisfaction. If the punishment the noble lord had already suffered, should be found, on a trial, to be too great, it would be the duty of the house to address his majesty to have him restored to the honours of which he had been deprived. If he was found deserving that punishment, the judgment of the court would confirm it, and the country would have justice. At all events, he thought the noble lord's innocence, which was now loaded with so dark a cloud of suspicion, never could be fairly proved to the satisfaction of the public, but by a fair and impartial trial. The question, therefore, for the house to determine at present was, whether it would be proper, after the steps they had already taken, to sit down and content themselves with a civil suit, which could not affect the new matter? or whether they would adopt one of the two motions proposed by way of accomplishing a proper punishment, if guilt should be proved, or of convincing the world of the noble lord's innocence, should he be acquitted of the matters laid to his charge? He was sorry to have troubled the house so long; but he thought it necessary to give his reasons for voting for the motion of his right hon. friend.

Mr. *Ryder* contended that the course now proposed was contrary to all the principles and the analogy of the law of England, namely, that after a man had received a sentence, and that sentence was inflicted on him, for any thing, he was not to be punished further for what might be called the aggravation of his offence. The house had passed a resolution declaring that the noble lord had misapplied the public money, that was the *corpus delicti;* what had since been discovered in the last report was only an aggravation of that offence.

The *Attorney-General* observed, on the course of the proceeding as far as the house had gone already, that as to the question which had been put to him in the course of the debate, whether the civil suit already instituted in this case would occasion any impediment, he had to answer, that the proceeding in that matter would be as effectual as if the bill had been filed in the court of exchequer on the last day of the last term, although as yet it had not been filed; and this he had abstained from, because he thought it his duty to wait the event of the report of the committee sitting on that subject, to see how far new light might be let in on the subject; and so far was he from agreeing with his learned friend behind him, that nothing which had arisen from the last report could be made part of a civil proceeding, that he entertained a different view of the point, and some part of that report made a substantial ground of charge. Another question had been put to him, whether or not he could state to the house, that the civil proceedings that had been instituted could form any bar to a criminal proceeding? He could only say, that as to bar, they unquestionably formed none; but he submitted to the discretion of the house, that if it wished to be governed by analogy, and to proceed as in any other place than that house would be absolutely of course, those civil proceedings would form a complete and invincible obstacle; and he trusted the house would not do that which in the hands of any other prosecutor would be a proceeding reflecting great disgrace on him. The house could not, consistently with justice, go on with two proceedings at once. With respect to the amendment of his right hon. friend, if carried, he, as attorney-general, would be put into an exceedingly disagreeable situation; because, if the house should direct the attorney-general to proceed for all the matters contained in the tenth report, he would take the liberty of asking whether he was to run the risk of a failure, by omitting to state that which might be important to ensure conviction, and by adopting only that which might appear to him to be matter of aggravation? Now, on that part of the subject which related to Mr. Jellicoe, he knew not how to make that matter of charge against the noble viscount without a specific vote for that purpose. He apprehended that he should require a direction of the house in many other particulars before he could exhibit them as matters of charge against the noble viscount, in the event of the house agreeing to come to a criminal proceeding against him. He should require directions from the house in a distinct statement what the points were which he was to make the subject of charge. If the house, said he, should order me to prosecute my lord Melville on the legal guilt, my lord Melville must be convicted either on an impeachment or indictment; but on his legal guilt he has already been condemned, for that legal guilt is constituted by the misapplication of the public money; the aggravation of that offence is in the course which that proceeding took, and it does appear to me to be quite a novel proceeding for the house to go on the *corpus delicti*, and after having had the effect of a criminal proceeding, that is, after it has produced punishment for the offence, to proceed to a new prosecution on the aggravation of that charge. This is quite inconsistent with the rules of law, and repugnant to the principles of justice. If an indictment was found against a person for an assault, and he was convicted of a common assault, and it was afterwards discovered that the assault was committed with intent to kill, or to commit a robbery, that would be a great aggravation of the crime; but if the party were acquitted of that part of the charge, and found guilty of the common assault, and it was proposed to try him again on account of a subsequent discovery, he could plead in bar to the charge that he had been already convicted; but, in prosecution at the instance of this house, a defendant has not that advantage, because you have no technical record of the trial to which you could refer. You have not that form of a criminal court of justice, but you are in substance and effect a criminal court of justice, and you should therefore not render it impossible for a person accused before you to obtain substantial justice, by charging him with the aggravation of an offence after you have proceeded to punish him for the *corpus delicti*; that would be absolutely unjust, and by which you would be availing yourselves of your own want of rules, by which the accused may protect himself in any other court appropriated to the administration of justice. You are not in a situation in which you can proceed justly to ulterior punishment, for what appears to you to be what is called aggravation of an offence. How would the charges be constituted? What makes the misapplication of the public money the principle of an offence, and what aggravates it, would perhaps be difficult even for a lawyer to state correctly. The aggravation of the crime is no distinct part of the crime itself, and it is inconsistent with the principles of the criminal justice of the country to proceed for the aggravation after punishment is inflicted for the crime itself; and, therefore, I trust the house will not adopt that mode of proceeding. You have brought yourselves into this difficulty, and gentlemen now candidly confess they feel the force of it. It is an embarrassment which the house ought to feel, for you cannot proceed now without interfering with the merciful administration of justice, which I trust will always be the British administration of justice; and therefore I hope, on the best reflection I can make on the subject, that gentlemen (however they may regret the circumstance) will feel that they have now no option. I know that this has the same effect as if lord Melville was to be pronounced not guilty on a criminal charge; but I will go no farther; if the house had not proceeded as it did, the case would now be necessarily presented in a different point of view, because, as it stands, there would be no answer as to the misapplication in point of law of the ten thousand pounds; it would be a misapplication of the public money, for which he might have been liable to punishment if he had not been punished already. The misapplication of the public money in his hands, for which he did not account, would be a case, which the constitutional jealousy of this house would entertain as a serious charge. I therefore am prepared to say, so far from being of opinion there is no legal guilt in the case of my lord Melville, that I am by no means assured, if the house had not proceeded as it has done already, that I should not have voted for the impeachment; but I am now prepared to say, that gentlemen on the other side would have had my vote to-night, if they had taken my advice to wait until they had discovered, as far as they have been enabled to discover, what the nature was of the particular charges against my lord Melville. If they had proceeded more quietly, more slowly, but not the less surely for the attainment of justice, the case would have stood very differently from what it now does. The hon. gent. says, that the majority of the public has been greatly with him; but on the subject on which we are now debating, there is a prevailing and a growing sentiment in the public opinion. I say, I do believe that at this moment there is a prevailing and a growing sentiment in the public mind, that the hon. gent. would have given fairer advice to the house, and acted in a safer and better way for the attainment of his object (which was, I have no doubt, the object of justice), if he had abstained from proceeding to a vote on any part of the case, before he knew the whole of it. If the house should now adopt the mode proposed, it would be to deliver over the noble lord to the certainty of a conviction of an offence for which he has been already punished; for it is impossible that he should obtain an acquittal, and, therefore, it must be in reality pursuing that system which I pressed the house to resist; instead of which I take the liberty to recommend to the house that which is the true character of the British administration of justice, by which this rule is established, that after punishment is inflicted for any crime, you shall not add another punishment on account of your having afterwards discovered some new circumstance which constitutes an aggravation of the guilt. Gentlemen say the noble lord does not desire or covet a trial, which they say he ought to do. It is impossible that he should be acquitted; every body admits there is legal guilt; it is quite clear there is legal guilt. Why then, what opportunity can the noble lord wish for to go to trial, in order to be acquitted? He cannot be acquitted; and those who wish him to appear on his trial for what they have already punished him for, forget the principles of British justice, moderation, and mercy, and I hope the house will not proceed in a way by which an ordinary prosecutor would disgrace himself.

Mr. *Whitbread* then rose to reply, and spoke in substance as follows:—sir; in the course of the long debates which have taken place on this most interesting and important subject, I have been arraigned as acting from feelings of vengeance and cruelty. It has been said that I have placed lord Melville in a situation more humiliating and more degrading than ever British subject was placed before. I have been accused too of entrapping the house into a particular form of proceedings which have created the utmost degree of embarrassment. To charges of such a nature as this, I can by no means plead guilty, nor can I contentedly hear assertions so confidently advanced which have no foundation in truth. Whatever a right hon. gent. (Mr. Canning) may chuse to think of the stupid and desultory manner in which I have managed this business, whatever the hon. and learned gent. who spoke last may conceive of the growing and prevailing sentiment of the country as to the imprudencies of the vote of the 8th of April, I feel myself called on to defend my character against a charge so foul as the supposition that I have ever uttered one expression, or supported one sentiment from feelings of vengeance against any individual. I trust that on the contrary, I can appeal to my own heart for the purity of my motives. I am conscious on all occasions of having been actuated by principles of honesty and views of public advantage. As to what has fallen this evening from a right hon. gent. opposite (Mr. R. Dundas) who naturally feels the warmest interest in every thing which concerns the character of the noble lord whose conduct in the exercise of one of the most considerable offices in the state I have thought it my duty to arraign, I must beg leave to make one or two observations. I am sensible that when speaking of the noble lord's conduct I have been under the necessity of making use of very strong language. I have expressed myself strongly because, undoubtedly, I have felt strongly on the subject. I beg leave, however, to assure the hon. gent. that I have advanced nothing which was calculated to give him personal offence, that I have urged nothing which could give unnecessary pain to his feelings. While I say this I think it due to the hon. gent. to add, that the manner in which he has this evening addressed the house was highly becoming and respectful. It would, indeed, have been well for the noble lord if he had entrusted his defence to the hon. gent. rather than have undertaken it himself. Sure I am that if this course had been pursued, the character of the noble lord would have stood higher both in this house and in this country, than it did after his own defence was closed. Equally certain I am, that if this course had been followed, the noble lord would have had more votes on his side this night. I confess I was astonished to hear an hon. gent. (Mr. Isaac Hawkins Browne) gravely stating that the defence of the noble lord greatly extenuated his criminality, and that if I had been wise, I would, as soon as that defence was finished, have consented to withdraw my motion. I may not, perhaps be so wise as the hon. gent.; but this I must say, that I am rather too nice to be satisfied with a defence which neither supplied what is defective, explained what is mysterious, nor removed what is ground of the strongest suspicion of an ignominious participation of profits derived from the illegal use of the public money. If the conduct of the noble lord was reprehensible before, I think his own defence placed it in still more odious colours. A great deal has been said in the course of the debates, of the difficulties in which the proceedings of the house are now involved. I do not pretend to deny, sir, that difficulties do exist, but of this I am quite sensible, that the greater part of them are difficulties which the gentlemen on the other side of the house have knowingly and wilfully created. I am sensible that all which ingenuity, eloquence, and dexterity could accomplish, has been exerted for the sole purpose of embarrassing and retarding our proceedings. But, sir, the grand difficulty which, once removed, every other would become trifling, is simply this, that gentlemen on the other side will not proceed on the evidence which the report of the committee contains. They will not come to that direct vote which the whole of the evidence so clearly points out to be necessary. The hon. and learned gent. who spoke last has stated in answer to a question from me, whether the civil suit and criminal charge were consistent with each other, that they are not incompatible. Here, then, one material legal difficulty is, by the hon. gent.'s own admission, removed. But, sir, even if this difficulty had been insurmountable, if it had been found that the civil suit and the criminal charge could not go on at the same time, an easy remedy could have been obtained. If I could not resolve the difficulty, I should have been obliged to cut the Gordian knot and suffer the civil suit to be suspended for ever. The gentlemen on the other side, however, charge all our proceedings with violence and precipitation. It would have been somewhat satisfactory if those who brought forward such a charge had condescended to bring some evidence to support their assertion. I feel that so far from acting with precipitation, the house has acted on the gravest consideration of the subject. If in my humble life, I have ever been proud of the share which I have taken in public affairs, it has been in that share which I have taken in those proceedings which, however they may be arraigned by the gentlemen on the other side, have diffused the utmost satisfaction through every part of the country. If ever the house had reason to be proud of any of its proceedings, it has ground of just exultation at those resolutions which have been followed by the approbation and gratitude of a whole people. Gentlemen on the other side are loud in condemning the resolutions of the 8th of April. I dare them to propose to rescind those resolutions. I shall be ready to meet such a proposition if any member of this house were to bring it forward. But, how is it that the charge of violence and precipitation is supported? It will surely not be denied that to come to certain criminating resolutions is no very unreasonable way of proceeding previous to a motion of impeachment. In this case, however, we find 60,000l. of naval money illegally applied, and still we have come to no criminating resolutions. I maintain, then, that I, in common with the house, am left perfectly unfettered in any course of proceedings which we may think proper to adopt. With respect to the case of Jellicoe, which gentlemen on the other side are in the habit of considering as a matter altogether trifling, I, for my part, never viewed it in this light. On the contrary, I had prepared resolutions on the subject, to be submitted to the house, which I withdrew merely because it was thought proper to refer this, together with the other matters of delinquency, to a select committee.—It has been very unjustly insinuated that undue means have been taken to inflame the prejudices, and to rouse the passions of the people. If, sir, the public mind is inflamed, it has been solely created by the conduct of lord Melville, and let me assure the gentlemen on the other side, that this inflamed feeling is not likely to subside till convicted delinquency meets with adequate punishment.—As to the county meetings which have taken place in different parts of the kingdom, I must say that I have never attended one of them, that I never signed even one requisition. I am ready to confess, however, that the approbation expressed of my conduct at many of those meetings has been highly gratifying to my feelings. To me these marks of the good opinion of my fellow-subjects are the more gratifying, because I am conscious that they were by me never meanly courted. But, as so much has been said of inflammatory language, it may not be improper for me to recall to the recollection of some gentlemen the sort of language which was employed at the time by lord Melville, then a member of this house of parliament, previous to the impeachment of sir Thomas Rumbold. Before sir Thomas Rumbold was put on his defence, the charges against him were published and industriously circulated over the country. No art was left untried to inflame the passions of the people against him as a criminal of the first magnitude. I myself can recollect the counsel of sir Thomas Rumbold making a formal complaint of these exertions to inflame the public mind, at the bar of this house. This counsel is now, sir, at the head of the law department of this country, and is doubtless a man of great talents and wonderful acquirements. Not only is he able to discharge the arduous duties of judge in the court of Chancery and speaker of the house of lords, but he finds leisure for not a little political manœuvre and intrigue. If report does not sadly belie him, no long time has elapsed since he was successfully employed in turning out one administration, and perhaps no long time will elapse before he has an opportunity of exerting his talents in the same way with similar success. This distinguished person was at the bar when sir Thomas Rumbold's impeachment was proposed, and, as I have already noticed, was employed as counsel. I remember, after noticing the violence exerted against his client, he addressed lord Melville, the accuser, in the same language in which king James addressed his favourite Buckingham when he was pressing for the impeachment of earl Middleton; "Stenny, Stenny, you are a fool; if you go on thus, you'll have your belly-full of impeachments before you die." Such was the language addressed to the noble lord on the occasion I have referred to, and it is not a little singular, that the prediction has been so exactly fulfilled.—But, sir, after all that has taken place, I protest I was quite astonished at the language of the noble lord when conducting his defence. He very gravely informs us, that there are many imperfections in the present management of the office of treasurer of the navy; and even went so far as to say, that he was perfectly master of a plan by which all these abuses might be remedied. To have heard the noble lord, one would have thought that he was actually endeavouring to persuade the house to call him back to his old favourite employment, that the country might once more enjoy the benefit of his services. I am aware, sir, that his friends are ready to exclaim, that it is I who have prevented this so desirable event; that it is I who have completely extinguished him as a political character for ever. To such a charge as this, it is quite impossible for me to plead guilty, because I am conscious it is altogether undeserved. If the noble lord is rendered incapable of returning to consequence or to power, he owes this to himself, and not to any efforts of mine. He is now, sir, in the strictest sense of the word, *felo-de-se*. He is a political suicide. No more can he hope again to enter the political Elysium. All his expectations of future honours are fled; all his schemes of future ambition are blasted. He must now wander on the banks of the Styx, with kindred spirits employed in useless penitence, and forming unavailing schemes of reformation. Gladly now would the noble lord endeavour to persuade us, that once more returned to power, all his former delinquencies would be abandoned. No more would he suffer his agent, Mr. Trotter, scandalously to misapply the public money. No more would he form even the idea of participating in such dishonourable spoils. Nothing would then be too humble for him; nothing could be presented to him which he would not readily undertake:

> ——— Quam vellent æthere in alto
> Nunc et pauperiem, et duros perferre labores!
> Fata obstant, tristique palus inamabilis unda
> Alligat, et novies Styx interfusa coërcet.

Let not then the noble lord's friends impute to me the blame of the fall of their patron from his once high estate.—But, sir, passing from this point, what shall we say of the destruction of papers, which forms so striking a feature in this interesting business. It is a well known maxim, that every thing may be fairly presumed against a man who comes into a court of law, and on his first entrance is forced to confess that he has taken the precaution of destroying all his memorandums, documents, and records, though they all referred to matters of the highest importance. I put it to any legal gentleman within these walls, what would be thought of a suitor who should go into the court of chancery under such circumstances? Would he not instantly be suspected of gross fraud; and instead of obtaining a full hearing, would he not rather be handed over to a court of criminal jurisdiction, where he would receive the reward due to his villainy? There are, in this case, too, of the destruction of papers, circumstances of peculiar aggravation. Lord Melville and Mr. Trotter, not satisfied with destroying their own accounts, memorandums, and records, consign, at the same time, to the flames, the documents and memorandums of others. This, I declare, seriously strikes my mind as one of the most suspicious circumstances in the whole of this mysterious business. The only object of the destruction of the papers, must have been concealment, and the only purpose of concealment must have been consciousness of guilt.—After all this, however, I am told, that, allowing the guilt of lord Melville to be as great as represented, still he has been sufficiently punished. I have on former occasions troubled the house so much at length on this subject, that I cannot think at present of occupying much of your time, and therefore shall content myself with one or two observations. I wish, then, to call the attention of the gentlemen who hold the opinion that lord Melville has been already sufficiently punished, to the case of lord Macclesfield, a case by no means equal in point of atrocity to that now under consideration. In that case, lord Macclesfield was declared guilty of a gross offence: the resolutions were carried up to the throne, and he was struck out of the list of privy counsellors. Yet all this did not satisfy the ends of public justice. He was impeached, he was severely fined, and he was irretrievably disgraced and degraded. But, says the right hon. gent. will you first afflict the noble lord with stripes, then cast him into a dungeon, and when his wounds are nearly healed up again, drag him forth, and renew all his tortures? This sort of metaphorical language may be all very fine, but I confess I cannot, for the soul of me, see its application. Cruelty I hate in every form; and sooner would I endure the severest tortures than that any human being should, by my means, be subjected to unnecessary cruelty. As, however, the right hon. gent. has talked so much of metaphorical tortures, I must beg leave to refer him to his noble friend near him (lord Castlereagh) who can give him abundant information of the tortures exercised on the bare backs of the unfortunate inhabitants of Ireland, with the view of extorting confession of crimes of which many had neither knowledge nor participation. That noble lord does understand the nature of torture better than I can pretend to do, and therefore I shall leave the right hon. gent. and him to settle the matter together. I shall only say, that what I want, is not cruelty to any individual. It is substantial justice to the noble lord who is accused; to this house who have heard the accusation; to the country, which expects this justice at our hands. When the investigation was going forward before the committee, it was my ill fortune to have several of the members decidedly hostile to any propositions on my part: these were the hon. chairman, the right hon. and learned gent. opposite (the master of the rolls) and the noble lord who sits near him. But though certainly my task was difficult, I was too much in earnest to be deterred from following what I conceived to be my duty. As I was not to be deterred then, so shall I not be intimidated now. Some gentlemen on the other side have insisted, very triumphantly, that the public has sustained no loss, because all the sums of money advanced have been fairly and honourably repaid. On this part of the subject, I differ so materially from these hon. gent. that I must take the liberty of offering a few strictures on this supposed repayment. It must be kept in view, that the fact of this repayment rests entirely on the evidence of Trotter, who, by the way, is a person possessed of a most curious kind of recollection. Why, sir, he seems to have either a frail recollection or a clear recollection precisely as it suits his purpose at the time he is examined. I may state to the house his answers when first examined, as to the replacing of the ten thousand pounds, the application of which the noble lord so peremptorily refuses to disclose. He was asked, "do you know whether this ten thousand pounds were ever repaid?" His answer was, "no, I do not." Reflecting, perhaps, on the nature of this answer, and finding it would not prove satisfactory, he afterwards added, that from the balances in his hands being correct, it must have been repaid, though he could not recollect the precise period when the repayment took place. Is it not then extraordinary, that neither he nor lord Melville can condescend to inform us, on even one period, when any part of the sums advanced, from time to time, for the use of lord Melville, were replaced. Both were desired to specify even a solitary case when a repayment took place, and both profess their inability to satisfy this so reasonable request. Trotter's recollection is obscure and confused, and the memory of his noble patron and associate is equally frail and inefficient. Now, sir, speaking gravely on this most grave subject, what are we to think of such conduct? Are we not naturally led to think that there has been foul villainy practised by men who profess total ignorance on subjects on which men in general, however negligent in other matters, endeavour to cultivate a certain degree of accuracy. I am sensible, that I have not the means of proving my assertion, and therefore I will not positively assert it; but this I will say, that there is the strongest presumption that no *boná fide* re-payment of the different sums advanced ever did take place. I can easily conceive, though I cannot prove it, that lord Melville should say to Mr. Trotter, "I want ten thousand pounds; you know I cannot repay you, but make good use of your time and opportunities. Replace the sum by degrees: keep the balances regular, and no one will be the wiser for this transaction!" I am not prepared to say that this language, or language of a similar nature was actually used by lord Melville; but no man has a right to deprive me of my suspicion, that in this or some similar way has the only repayment of the sums withdrawn taken place. True it is, I have no direct proof of this, but neither can its possibility or probability be denied. Now come we to the twenty thousand pounds of which his lordship refuses to give even the slighest explanation. He tells you, that for many years, he was not minister, but governor for Scotland: that is, in other words, though not employed by the crown in any office that referred to that country, he tells you in the face of the house, that he disregards your power of enquiring into the expenditure ofthe public money, that he is resolved to keep the whole secret to himself, and that nothing on earth shall ever extort the secret from his bosom. Now, sir, let us see in what sort of a situation the noble lord would be placed, if the persons among whom the money has been distributed should by any chance come to a serious disagreement, and that some of them should disclose the whole transaction. What would come of the noble lord's secrecy then, or what would his convenient concealment avail him? This, let it be recollected, is no ideal case. A pamphlet is now in print, and generally circulated, in which all the circumstances of the advance of 40,000l. to Boyd and Benfield are fully detailed. What security has the noble lord that a similar event will not take place, and how can he then stand up and say, that he defies the house of commons to compel him to account for his expenditure of the public money? But, sir, it is worth while to consider, under what circumstances this secret-service money, drawn from the money appropriated to naval purposes was applied in Scotland. Were there any insurrections to be put down, were there any dangerous persons to be watched? Was there the least symptom of a design to violate the peace, or to interfere with the regular details of his majesty's government? Not a single tittle of any thing like this existed. The only insurrection I believe that the noble lord had to fear, was an insurrection against his own scandalous monopoly of power. The house have not forgotten the conspiracy formed against the noble lord's influence in 1784, and it is not at all unlikely, that part of this money, about which the noble lord is so extremely delicate, might have been very usefully employed in softening down certain obdurate spirits. At that period, the noble lord was called on to destroy a combination, not against the crown, but his own influence; not against the best interests of the country, but against the tyranny of an individual, who was not satisfied without such an absolute monopoly of power, as completely excluded independence, talent, and virtue. When the noble lord talks of this mysterious concealment of his distribution of secret-service money in Scotland, I am sure the indignation of every member from that part of the kingdom must be roused. I am sure I need not press on all of them the peculiar obligation under which they a e placed, to come forward and see this scadalous business fully investigated. Can these gentlemen endure to have it said, that their country has been bought, sold, and ruled, just according to the caprice or the prejudice of any individual. As in honour, therefore, they are bound to come forward and vindicate the insulted honour of their country, and to assist in breaking those dishonourable chains under which they have so long ignominiously groaned. The noble lord opposite (Castlereagh) is very anxious to impress on the house the impropriety of listening to my representations. He says, "don't trust him, he is a dangerous man; he will certainly lead you into some serious embarrassment." In answer to this I say, I do not desire the house to trust me, but to trust to my arguments, supported by some of the ablest heads in this country. The noble lord may wish to give me some very salutary advice on this interesting subject. I declare, giving the noble lord all possible credit for the purity of his motives, he is exactly the last man in the world I should choose for my political judge; and if he did come to me with his advice, I should frankly tell him, "truly, my lord, I am obliged to you for the trouble you have taken in this matter, but as my mind is quite made up, I cannot follow your counsel." We are told that this attack on lord Melville is at this time extremely imprudent, as it has deprived the state of the services of a man of great talents, at a crisis when his exertions are peculiarly required. I am sorry at any time, when talent is lost to the empire, and more especially when there is occasion for the best exertion of all the energy which the empire comprehends. But, in the disgrace of lord Melville, we have in return effected a great national object, we have detected scandalous corruption, and given a solemn and striking example of punishment to all future offenders.—But, say the gentlemen on the other side, if even lord Melville were guilty, impeachment would be nugatory. Look, say they, to the impeachment of Mr. Hastings, and see how unsatisfactory was the result. If this sort of argument be good for any thing, it goes to a total renunciation of this most important power that ever was lodged in a representative assembly, the power of impeaching great criminals before the most awful tribunal on the face of the earth. Inconveniences, I confess, there are attending all impeachments, but on that account are they to be totally abandoned? In many cases the trial by jury is attended with inconveniences, but for these inconsiderable evils, are all the blessings of the highest privilege of our free constitution to be renounced? The argument from the trial of Mr. Hastings against the impeachment of lord Melville derives the greatest part of its force from the extraordinary length of time which that trial consumed. But what right have gentlemen to presume, that because the trial of Mr. Hastings occupied ten years, that lord Melville's will occupy a similar period? As well might they argue, that because the trial of lord Macclesfield occupied only 25 days, the trial of lord Melville would occupy probably the same space of time. Here again, comes the right hon. gent. (the attorney general) with his objection about the embarrassment of our proceedings. "Here you are," says he, "up to your necks in mud. But I won't assist you. I won't tell you how to extricate yourselves. I will have you to suffer all the consequences of your own obstinacy in refusing formerly to take my advice." Thus it is that the right hon. gent. is continually descanting on the difficulties in which we are placed, and will give us the aid of no part of his great talents in setting us on the way to proper and regular proceedings. I am sensible too, that the right hon. gent. employs a very sharp sword, but I am not by any means afraid of his thrusts. I know that before he reaches me, he must pierce through the sides of this house and yours. I know it is said, that if the resolutions of the 8th of April had not been unfortunately come to, the whole business would have been clear and explicit. We should have been enabled to proceed regularly with the impeachment, and to ascertain in fact, whether lord Melville did participate in any illegal profits, and to what extent this participation took place. This is all very plausible, but the only defect is, that it is not founded in truth. Those who were conscious of delinquency hugged themselves in their power to elude all enquiry, but the resolutions of the 8th of April, shewed, that such expectations were illusory, and that the strong arm of the law was able to reach any delinquent, however high his rank or extensive his influence. If such a vote had not passed, to have brought lord Melville to punishment would have been altogether impossible. What is the case even now that this vote is passed?

We find even now the present treasurer of the navy (Mr. Canning) gravely labouring for the defence of his patron the culprit. We find it seriously maintained, that to withdraw naval money from the bank, and to lodge it in the hands of a private banker, is neither contrary to the letter nor the spirit of the act of parliament. It is at least very clear, that if you once admit the practice, it is quite impossible to say to what dangerous length it may be carried. The house will recollect, that in the tenth report notice is taken of no less a sum than a million being drawn out of the bank, and lodged in the hands of a private banker in one day. Now, sir, let me put a case which is neither impossible nor improbable. Let me suppose, that betwixt the interval the money is deposited and the time it is wanted for the use of the public service, the treasurer of the navy were to die. What would here be the consequence? It is quite clear the next treasurer would have no power to draw it out, since it was not vested in his name. Trotter, and Trotter only, could empower any person to receive it. I ask, then, is it fit, is it decent that the public money should thus be sported with, should thus be exposed to the most imminent danger? Let me suppose a still stronger case, where a large balance is in the hand of a private banker. Let me take it for granted, which is by no means an impossible case, that both the treasurer of the navy and his paymaster, stout healthy men, were in one day to be cut off from the land of the living, what, in this case, would become of the sums of money which either of them had vested? The fact is simply this, that the private banker might appropriate it, to whatever amount, to his own use, and there could be no means to compel him to refund it, because there existed no vouchers of its ever being placed in his hands. The right hon. gent. however, tells us, that the balances are never kept in the hands of the private bankers above ten days at one time. This, sir, is a miserable, wretched evasion. Even if the sum is only kept for ten days, is there not a continual succession of balances, and may not these successive balances be one after the other applied to purposes of private emolument? Do we not know, too, that of the 40,000l. lent to Boyd and Benfield, a considerable part was not repaid for several months, and that one part was not replaced till after a lapse of two years? The right hon. gent. talks of the disgusting details of the tenth report. They are indeed disgusting, but not in the same sense in which the right hon. gent. employs the expression. The public feel this disgust in full force; and never, I believe, will the nausea be discharged from the stomach of the public, till the authors of these disgusting scenes are brought to condign punishment. But it is said, "will you for these trifling defalcations continue to persecute an unfortunate individual, whom you have already sufficiently punished?" My answer is simply this; I will punish the authors of such peculations, because I am convinced, that from what is already discovered, much more atrocious proceedings are yet to be disclosed. I wish the noble lord to go fairly to his trial. If he is acquitted, then justice is satisfied. If, on the contrary, he is convicted, it will be in the power of his friends to plead what circumstances appear to them most worthy of notice, in mitigation of punishment. It has been argued, however, against the motion for the impeachment, that a number of peers have at county meetings expressed their opinions, and therefore cannot be supposed to be impartial judges. I challenge any gentleman to come forward and say, that any peer in the realm has not a constitutional right to deliver his sentiments on a public question, to express his indignation respecting a case of notorious delinquency in the execution of one of the highest offices in the state. But, sir, even supposing that all these peers who have expressed such sentiments were to be present at the trial, surely the noble lord would have no fair ground of complaint. Considering the number of peers created since his colleague, the right hon. gent. opposite, came into power, he surely has a sufficient number of personal friends, to counterbalance the number of his political enemies. I have another reason for preferring the impeachment to the criminal prosecution. My reason is, that I cannot place confidence in the hon. and learned gent. who is to conduct it. I do not say this from any doubt in his honour and integrity. I know, however, that he has a strong prejudice on his mind in favour of the culprit. I do not think that a person labouring under such impressions is a fit person to conduct a prosecution specially ordered by the commons of England. Such being my views, I call on those who are favourable to the criminal prosecution, to give up their slight shade of difference, and to vote for the impeachment. I conjure them, as they have acted with the purest honour, to preserve it uncontaminated. I caution them from embarking in the same crazy bark with the pilot, not "the pilot who weathered the storm," as he has been called in a song written by the right hon. gent. opposite (Mr. Canning), but the pilot who forsook the vessel at the period of her utmost distress. I trust they will continue in the path of honour and safety, and permit the pilot and his poet to encounter the storm together. I remind them that disunion may ruin all, and therefore earnestly solicit them to persevere in that harmony, which will enable us to carry through with triumph, the glorious struggle which we have so honourably commenced.

The motion on the amendment was then put in the following manner: "that the original words, viz. that lord viscount Melville be impeached of high crimes and misdemeanours, stand part of this motion." The ayes on this question went forth; and when in the lobby, Mr. Fox addressed the members, and said, that upon this question it was probable that they should be in a minority. But as, after this question, the amended motion would be put for a criminal prosecution, he would certainly concur in that mode, though he did not think it so desirable as the mode of impeachment. He intreated those gentlemen, therefore, who thought with him on this point, not to quit the house. The house then divided on the original motion, when the numbers were;

For the Impeachment 195
Against it 272

Majority against the Impeachment 77

This motion being therefore lost, the house again divided on Mr. Bond's amendment, for a criminal prosecution against lord Melville, when the numbers were;

For the Criminal Prosecution . . 238
Against it 229

Majority for the criminal prosecution 9

Adjourned at 6 o'clock on Friday morning.

List of the Majority on the motion for ordering a Criminal Prosecution against Henry lord viscount Melville.

Adair, R.
Adams, J.
Adams, C.
Addington, H.
Althorpe, Lord
Amyatt, J.
Anderson, Sir J.
Andover, Lord
Annesley, F.
Antonie, W. Lee
Atkins, John
Aubrey, Sir J.
Astley, Sir J.
Babington, T.
Bagenal, Walter
Baker, J.
Baker, Peter Wm.
Bankes, H.
Anson, Thos.
Barclay, George
Barclay, Sir R.
Bastard, J. P.
Bathurst, C.
Beach, M. H.
Bennet, R. H. A.
Benyon, R.
Bernard, T.
Bligh, Thos.
Bond, N.
Bouverie, E.
Brogden, J.
Browne, F. John
Bullock, John
Bunbury, Sir J. C.
Byng, G.
Baker, W.
Calcraft, J.
Calvert, N.
Cavendish, Lord G. H.
Cavendish, W.
Caulfield, H.
Chute, W.
Cockerill, C.
Cocks, J. S.
Coke, Thos.
Coke, Edward
Combe, H.
Cornwall, Sir G.
Courtenay, John
Crawford, R.
Creevey, T.
Curtis, Sir W.
Cumming, G.
Curwen, J. C.
Cockburne, R.
Cowper, Hon. S.
Dawson, R.
Denison, John
Deverell, R.
Dickens, F.
Dillon, H. A.
Douglas, Marquis
Dugdale, S. D.
Dundas, Hon. G. H. L.
Dundas, Hon. L.
Duncannon, Lord
Daniel, F.
Ebrington, Lord
Eliot, Wm.
Ellison, R.
Estcourt, T.
Eyre, A. H.
Estcourt, T.
Fellowes, N.
Fellowes, R.
Fitzgerald, R. Hon. J.
Fitzpatrick, R.
Foley, Hon. A.
Foljambe, F. F.
Folkes, Sir M.
Folkestone, Lord
Fonblanque, J.
Fox, C. J.
Francis, P.
Fuller, J.
Fydell, T.
Foley, Thomas
Frankland, W.
Garland, G.
Garrard, C. D.
Geary, Sir William
Giles, D.
Golding, E.
Bamfylde, Sir C.
Goddard, A.
Grattan, H.
Grenfel, P.
Grenville, R. Hon. T.
Grey, C.
Grimston, Hon. J. W
Harvey, E.
Hamilton, Lord A.
Harrison, John
Hawthorne, C S.
Heathcote, J.
Heathcote, Sir W.
Hilliard, E.
Hobhouse, B.
Holland, Henry
Honywood, Sir J.
Horrocks, S.
Howard, H.
Hughes, Wm. Lewis
Hughes, James
Hume, W. H.
Hurst, R.
Hessey, W.
Hutchinson, H. C. H.
Hudleston, J.
Jeffery, John
Jervas, T.
Jekyll, J.
Johnstone, George
Jervoise, C. J.
Kensington, Lord
Ker, R. G.
King, Sir J. D.
Kinnaird, C.
Ladbrooke, Robert
Lambton, Ralph
Langton, W. G.
Latouche, D.
Latouche, J.
Latouche, R.
Laurence, French
Lawley, Sir R.
Lemon, J.
Lemon, Sir W.
Lloyd, J. M.
Loveden, E. L.
Lubbock, J.
M'Mahon, John
Manners, John
Markham, J.
Marsham, Lord
Martin, R.
Middleton, Sir W.
Milford, Lord
Mills, C.
Milner, Sir W.
Moore, G. P.
Moore, Peter
Mordaunt, C.
Morpeth, Lord
Morris, Edward
Mostyn, Sir T.
Mills, W.
Metcalfe, Sir T.
Mellish, W.
Newport, Sir J.
Norman, R.
North, Dudley
Northey, W.
Neville, R.
Orchard, Paul
Ord, William
Ossulston, Lord
Palk, Sir Lawrence

Palmer, John
Patton, Peter
Patteson, John
Paxton, Sir W.
Pedley John
Peirse, Henry
Pelham, Hon. C. A.
Petty, Lord Henry
Pitt, W. M.
Plumer, William
Pole, Sir C. M.
Ponsonby, W. B.
Porchester, Lord
Portman, E. B.
Poyntz, William S.
Price, Sir C.
Price, Richard
Prinsep, J.
Pytches, John
Paul, J.
Pierepoint, C.
Raine, Jonathan
Russell, Lord Wm.
Salisbury, Sir R.
Sargeant, John
Scott, Joseph
Scudamore, J.
Shaftoe, R. E. D.
Shakespeare, A.
Shelly, Henry
Sheridan, R. B.
Smith, Wm.
Somerville, Sir M.
Spencer, Lord. R.
Stanley, Lord
Stewart, James
Sullivan, John
Symondes, T. P.
St. John, Hon. St. A.
Smith, Chares
Stewart, Hon. M.
Talbot, Sir Charles
Tarleton, B.
Taylor, C. W.
Temple, Earl
Thornton, H.
Tierney, Right Hon. G.
Townshend, Lord J.
Turner, Edward
Tyrrwhitt, T. D.
Tyrrwhitt, Thomas
Thornton, R.
Vansittart, George
Vansittart, N.
Walpole, George
Walpole, Hor.
Walsh, Sir J. B.
Watson, G.
Western, C. C.
Wharton, J.
Whitbread, Samuel
Whitmore, John
Wiberforce, W.
Williams, J. H.
Williams, Owen
Williams, Robert
Windham, W.
Wood, George
Wrottesley, Sir J.
Wynne, Charles
Wyndham, P.
Wright, A.
Young, Sir W.

Paired off on the same Side.

Sir W. W. Wynne
Sir G. Heathcote
Hon. Mr. Warde
Sir Ralph Milbanke
Serjeant Best
J. Foster Barham

HOUSE OF LORDS.

Thursday, June 13.

[Minutes.] The claim of sir Cecil Bishop to the Zouch peerage was further proceeded in. Mr. Gaselee was heard on the part of the claimant.—Lingham's Divorce bill, and some other bills mostly private, were read a third time and passed.—Lord Auckland presented an Account of the Proceedings of the Trustees of Chatham Chest under the late act of parliament; which was ordered to lie on the table.—On the Salford Justices' bill, in a committee of the whole house, the clerk of the peace for Lancashire was examined relative to the bill, after which the bill was reported.—The house resolved itself into a committee on the Stipendiary Curates' bill, when a conversation ensued relative to some proposed amendments; after which the chairman left the chair, and the committee were ordered to sit again tomorrow.—Adjourned.

HOUSE OF LORDS.

Friday, June 14.

[Conduct of Judge Fox]. Lord Walsingham moved, that the order of the day for their lordships going into a committee upon the case of Mr. Justice Fox be discharged; which being done, his lordship moved that the house do resolve itself into a commitee for the above purpose, which was ordered accordingly.

Lord *Auckland* took the opportunity to give notice that he intended, before the order of the day should be entered upon on Monday next, to submit a motion to their lordships, that the farther proceedings in the committee on the case of Mr. Justice Fox should be postponed for two or three months, meaning, that it be postponed until the next session of parliament. He thought it but fair and candid to give this previous notice, though perhaps he might be warranted by order, to move it on the very day of such his determination.

Lord *Hawkesbury* was of opinion, that, under the circumstances of the case, the noble baron ought then to state some general ground or reason on which he was induced to propose such a motion. For his part, in every view of the case, particularly on three general grounds, first, that of the character and justice of parliament; secondly, with a view to the administration of justice in Ireland; and, thirdly, with a reference to the character and situation of the individual himself, it was incumbent on the house to proceed with the investigation, and to make as great a progress therein as they possibly could, this session. So deeply was he impressed with this sentiment, that he proposed, at least such was at present his fixed intention, to introduce a bill for the purpose of continuing the proceedings the next session of parliament. The noble secretary of state referred to some minor considerations, which should induce their lordships' application without delay, particularly the great additional expence which would be incurred to several of the parties, were the proceedings immediately postponed to the next session.

Lord *Auckland*, in explanation, adduced, as his principal ground, the little prospect that obtained, not only of not getting through the investigation during the present session, but of even making any considerable progress in it.

Lord *Bolton* begged to offer a few words on the occasion. There was no doubt but that the object of all their lordships was to obtain substantial justice, and with the least possible expence to the parties. The first and most important end could best be induced by their lordships' paying a regular and uninterrupted attention to the case. In that point of view, he was, upon the whole, inclined to think, at least as it at present occurred to his mind, that the best way, and the earlier the better, would be to defer the farther consideration of the case until the next session, when they could attend to the business without interruption.

[STIPENDIARY CURATES' BILL]. The order being read for their lordships' going into a committee on this bill, the house accordingly resolved itself into the same.

The *Lord Chancellor*, previous to the discussion of any particular clause, addressed the committee at considerable length, principally relative to the nature and effect of many of the leading provisions of the bill. These were, in many points, he observed, susceptible of various amendments, several of which were necessary to the due understanding of the bill, or to the consistent and salutary execution of the measure. He considered the provisions to be principally defective with regard to the powers meant to be given to the bishops. The noble and learned lord was proceeding; when

Lord *Auckland* rose, not expressly to order, for he should conceive that his noble and learned friend might probably intend to have concluded with a motion for the chairman's leaving the chair. He believed every lord in the committee was sincerely friendly to the principle of the bill, and wished to obtain, as a most desirable object, through its means, the residence of at least one clergyman in every parish in England. He came down determined to avoid all hypercritical objections to the bill, and to discountenance slight amendments. He confessed that part of what fell from his noble and learned friend excited doubts, and raised difficulties in his mind. One of his principal doubts respected the extension of the bill to Ireland. One part of the bill, he thought, must admit of such a construction; another part evinced that such could not be the intention of the framers of the bill. He perfectly agreed with his noble and learned friend, that the clauses required a great deal of amendment; some of these were of that nature, which, if made in that house, might induce the apprehension, in some of their lordships' minds, that such might be fatal to the bill in another place. He disliked all considerations of that kind, and was of opinion it was neither proper or regular to advert to them. The alterations to which he alluded, might be considered as having such an unfavourable effect; it was possible, but still he was inclined to think, indeed he rather believed, such an effect would not be produced; at any rate, that house should do what it felt to be its duty with respect to the bill, and with a view to its thorough rectification and amendment, suppose the farther consideration of the bill was suspended for three or four days; and in the mean time his noble and learned friend, (he knew of no one so competent), would give his attention to it, and mature the amendments which he conceived necessary to be made.

The *Lord Chancellor*, in a short explanation, observed, that had his noble friend waited but a few minutes longer, he would perceive that every word he said, had reference to an amendment he intended to have made.

Lord *Hawkesbury* wished to offer a few observations to the committee. With respect to the principle of the bill, it was one, when he considered it in all its views and bearings, to which he was completely friendly. He was of opinion, at the same time, that many of the provisions of the bill were very defective, and called for material amendments, which it was the duty of that house to endeavour to make. He agreed with the noble baron, that it was improper and irregular to allude to what might be the consequence of certain amendments made in that house, with respect to its fate in another quarter. At the same time he was aware of the practical effect which such a consideration must have on the minds of the noble lords; yet, he must contend, more especially when a subject was in question, which, as regarding the ecclesiastical establishment of the country, was more peculiarly within the jurisdiction and province of their lordships' branch of legislature, that it was the bounden duty of the house to make such amendments and alterations as they felt right, just, and proper, without any reference to what might be the consequence in the quarter alluded to. To the present bill, especially, they were bound to perform their duty, in a conscientious and becoming manner.

The Earl of *Suffolk* expressed his cordial acquiescence in the principle of the bill. He was convinced of its salutary tendency so much, that he thought it would be proper to pass it this session, even with some of its imperfections. Of some detailed considerations in the measure, he disapproved, particularly the multiplication of oaths, and especially as they were applied by the bill.

The Earl of *Bridgwater*, in a detailed point of view, adverted to some difficulties which forcibly struck him: with respect to the proposed valuations, it was well known, that in the northern parts of the kingdom, the tithes were subject to a new valuation every year. In that case, the great fluctuations and advances in the prices of corn, of late years, would present a rather serious difficulty.

The Bishop of *St. Asaph* delivered his sentiments upon a variety of detailed considerations in the bill, most of which loudly called for rectification and amendment. On this head, he cordially agreed with some of their lordships who had spoken in the committee. Upon the whole, greatly as he had the bill at heart, convinced as he was of its salutary tendency, he would rather the bill should be lost, than that it should pass with its present numerous imperfections. In the course of his speech, the learned prelate adverted to several provisions of the bill, which struck him as presenting a chaos of contradictions, as absurd, inefficient, injurious, and derogatory to the dignity of the clerical character; and, in some instances, tending to degrade the bishops. In what he said, he meant not the slightest reference or allusion to the conduct of his right rev. brother (the bishop of London) upon the occasion. He well knew the purity and benignity of that right rev. prelate's motives for coming forward; these were evinced by the bill introduced by his lordship for the purpose, in a former year; which was widely different from that at present under consideration, and, in some points of view, formed a striking contrast to it.

The Bishop of *London* entertained, in some points of view, a very different opinion of the present bill from the right rev. prelate who had last spoken; neither could he consider the provisions adverted to as a chaos of contradictions. He vindicated his own motives in coming forward, and adverted to the history of former bills on the subject. He intended to have provided for what was proposed by the present bill, by a clause in the residence bill; that was disapproved of at the time, and a separate bill recommended. In supporting the present measure, he performed conscientiously what he deemed to be his duty to the public and to the house. He had no personal interest to serve; henceforward, he left the bill to the discretion, the justice, and the protection of the house. His particular thanks were due to the very respectable and learned gentleman who had introduced the bill into the other house, and whose ability and assiduity on the occasion were highly complimented by the right rev. prelate.

Lord *Sidmouth* declared himself a warm advocate for the principle of the bill; yet, as to some of its provisions, he certainly entertained doubts; and these doubts were rather increased by some of the able remarks which fell from the noble and learned lord who spoke first in the discussion. With respect to the amelioration and revision of the bill, which it seemed the general sense of the committee should take place, he was happy at understanding that his noble and learned friend was to pay particular attention to it. In abler hands it certainly could not be. In regard to what was thrown out, as to the possible consequences of a certain description of amendment made by their lordships, in reference to the fate of the bill in another place; on this topic he felt a degree of delicacy and difficulty while addressing the committee. He was not to tell their lordships his sentiments on that part of the subject; nor was he to express those feelings which he might naturally be expected to bring with him from that quarter. Situated as he was, considerations of duty were paramount to every other, and in that view he entirely agreed with what fell from some of their lordships, who were of opinion that the house should do what it felt to be its duty with respect to any alteration or amendment of the bill, without reference to what might be the event of these alterations on the part of another branch of the legislature. Though he spoke this generally, he entertained strong hopes that the bill might be rendered a salutary and beneficial measure, with the assistance of their lordships, and still met with the approbation of the other house of parliament; so as that, in the course of the present session, it would receive the assent of both houses, and afterwards receive the sanction of the sovereign.—After a short explanatory conversation, the chairman was directed to leave the chair; and, on the house resuming, the further consideration of the bill was adjourned till Tuesday.

[CONDUCT OF MR. PITT RELATIVE TO THE LOAN TO BOYD AND BENFIELD.]—Mr. *Whitbread*.—I gave notice, sir, some time ago, of my intention to move certain resolutions respecting the conduct of the right hon. gent. opposite, for the purpose of expressing my opinion relative to that conduct, as made known by the tenth report of the commissioners of naval enquiry, and by the report of the select committee of this house, which was appointed to enquire into the matters contained in that tenth report. I now rise to fulfil the task I have imposed upon myself, and whatever may have been the wishes of the right hon. gent. or his friends, that these resolutions should have been moved previous to the motion for the impeachment of lord Melville, I think they must acquit me of having created any unnecessary delay. How far I may be sanctioned by the house I know not, but I will simply state that my object is to record upon the journals of the house those illegal transactions which have taken place, in order that they may not be drawn into precedent; and I should think that the right hon. gent. himself would wish that those transactions, to which it is my object to allude, and which he conceives to have been founded upon good grounds of expediency, may not be suffered to pass unnoticed, and thereby become a precedent for any successors who may not have the same justification. To prevent their being drawn into such a description of precedent is my only object, and I hope, if it is intended to propose any other resolutions, (counter resolutions I conceive there can be none) that gentlemen will not approve of those, and reject mine, merely because they are mine. When this subject was before the house on the 8th of April, the right hon. gent. was charged by me with a strong suspicion of having a knowledge of the transactions which were then under discussion. It certainly then appeared that he knew of the naval money being drawn from the bank, and lodged at a private banker's. I never conceived for a moment that he participated in the emoluments derived from that money, but, until it was explained by his evidence before the committee, it certainly appeared to me most extraordinary that the right hon. gent., knowing of that practice in the year 1797, took no steps to put a stop to it. It certainly appeared very extraordinary; but I beg leave to say, that as it appears now, and as it is notorious to the world, whatever there may be of negligence, all suspicions of a graver nature are totally and entirely done away. I have thought it my duty to say so much, but at the same time I wish to avoid as much as possible all reference to lord Melville: his case is gone before a tribunal where impartial justice will be done, and far be it from me to say any thing that can tend to aggravate the charges against him. It does appear, however, that in the year 1797, a respectable gentleman, Mr. Raikes, who was then governor of the bank of England, communicated to Mr. Pitt, that naval money was drawn out of the bank, contrary to act of parliament. The right hon. gent. could not in his evidence before the committee recollect all the points of this conversation, but although there was some difference with respect to the terms between his evidence and that of Mr. Raikes, the substance was the same. As to this part of the subject, I should hardly think it necessary to say one word more; but I have heard from several respectable persons remarks upon the evidence, relative to this point, upon which I must make a few observations. It has been said, that this was not an official conversation, and that the subject of Mr. Raikes's communication was a mere rumour caught up in the bank; that Mr. Raikes had it from Abraham Newland—that Abraham Newland had it from the clerk, and so on; but the fact turns out to be so, and that being the case, it signifies not through how many hands the rumour of it had passed. Mr. Raikes says he informed the directors, when he returned, of the communication he had made to the chancellor of the exchequer: they, however, could not recollect it, but whether they did or not is of no consequence whatever. There is no doubt that the right hon. gent. was informed of it, and a short time afterwards he had a conversation with lord Melville upon the subject, who satisfied him that the money was not drawn out of the bank in any other manner than as required by the exigencies of the naval service. Now, it is a little extraordinary that the right hon. gent. should not think it proper to make further enquiries. I do not mean to impute to him criminality, but great negligence. It would have been much better if he had then made an enquiry into the circumstances, and it should be recollected that the right hon. gent. himself then stood in a peculiar situation with respect to the naval money, as he had withdrawn a large sum from it the year preceding, of which I shall speak presently, and which was not at that time all repaid. The right hon. gent. seems however to have been totally apathetic upon that occasion, although it must certainly appear very strange, that the minister of finance, anxious for the honour of his friends, and for the regularity of financial transactions, should not, upon such a communication being made to him, have thought it right to institute a private enquiry. It appears also a little extraordinary that the right hon. gent. should never afterwards mention this subject to Mr. Raikes. It has been said that it was extraordinary Mr. Raikes should never mention it to him; but having stated it to the minister of finance, it may be fairly supposed that he conceived he had done his duty, and that nothing further was required of him. A thousand excuses may certainly be found for the conduct of the right hon. gent. in this instance; but no excuse which is satisfactory to me in the manner in which I view it. Another extraordinary part of the evidence of the right hon. gent. is, that the provisions of the law were not at that time under his contemplation; now it turns out that the law was broken; but the right hon. gent. had forgot the act of parliament. This would be no excuse to any subject in the land; the meanest individual cannot plead ignorance of the law, and shall the right hon. gent. be allowed to plead that he had forgotten the law? It is not a little extraordinary that the right hon. gent., who took a part in the formation of this, as well as other laws of a similar description, should, when this subject of the violation of the law comes before him, forget the existence of such a law. If this case, as it originally stood, had not been explained by the evidence before the select committee, I should have felt it my duty to move some resolutions upon the subject; but not wishing to move any resolution that may be personally offensive to the right hon. gent.—(and so far as the right hon. gent. is concerned in the violation of the act, the evidence of the right hon. gent. being in a great measure satisfactory)—I do not intend to move any resolution upon this subject. The next subject upon which I wish to trouble the house, and with respect to which I mean to move resolutions, is the deficiency of Jellicoe. I said so much upon this topic upon a former night that I shall not weary the patience of the house by saying much more upon it now. I shall only advert to two or three circumstances which appear very extraordinary. Some conversation took place between the right hon. gent. and the treasurer of the navy. The evidence of the right hon. gent. is not precise upon this point; but it is probable, that some previous conversation took place relative to this subject. A memorial was drawn up on the part of lord Melville, and presented to the treasury board. There is a very particular circumstance, however, respecting the dates upon this occasion, which has recently fallen under my notice. The minute of the treasury board, on which the warrant was to issue for exonerating lord Melville from any responsibility on account of the deficiency of Jellicoe is dated the 29th of May, 1800. One would naturally suppose this to be a previous step to obtaining a writ of privy seal; but it appears that the warrant was dated the 21st of May, eight days before the minute of the treasury authorising the warrant. This circumstance may be explained, but it appears to be a new mode of doing business to be laying the foundation of the house at the top instead of the bottom! The warrant, however, is dated on the 21st. the writ of privy seal was issued on the 27th, and on the 29th of May, the minute of the treasury board is dated, which was the foundation of the whole proceeding. This is certainly very strange. The right hon. gent. may say that this is a usual mode of doing business—that it is usual to put the horse behind the cart, and to do business before the order authorising it is given. Unless some satisfactory explanation is given upon this point, I cannot excuse the right hon. get. from blame. Not attending accurately to dates, I had supposed that the change of ministry had taken place about that time, and that in the hurry of packing up, these trifles had not been attended to; but I see the right hon. gent. continued in office nearly a twelvemonth afterwards. The right hon. gent. may say, that this is a matter of detail, and that it belonged to the secretary of the treasury. Supposing, however, that point explained, there are still other features remaining. The right hon. gent. certainly may not have leisure to read with his own eyes all the papers relative to any particular subject, or to hear with his own ears all the information upon the subject; but this case is a single instance. The rt. hon. gent. said in his evidence before the select committee, that he believed there were other instances of the same kind. It appears, however, that from the year 1760, during the whole of his present majesty's reign, there is no writ of privy seal which can form a precedent of this nature. There have been warrants to pass accounts but not to exonerate from deficiencies. There appears, indeed, a warrant to exonerate lord Grenville respecting a sum applied for secret service money, the person to whom it was advanced having ran away, but nothing else that can be construed into a precedent. On these circumstances it is that I ground a charge against the right hon. gent. of not enquiring into the truth of the allegations made with a view to obtain the writ of privy seal, respecting the deficiency of Jellicoe, or not directing the secretary to the treasury to make such an enquiry. But what in this case were the junior lords of the treasury about? Could not the right hon. gent. depute Mr. Smith, or lord Glenbervie, or Mr. Pybus, to make some enquiry upon this subject, and make a special report upon it? Could not lord Glenbervie, a man of the greatest solidity, as well as knowledge of business, make some enquiry relative to the circumstances of this case? That noble lord now holds an office, that of surveyor general of woods and forests, which requires all the exertions of his mind, and upon the effective performance of the duties of which depends in a great measure the strength of our navy. It is singular however that though the name of lord Glenbervie appears at the foot of the minute of the treasury board, yet when asked relative to this subject before the committee he replied he knew nothing about it; he could not even recollect whether he was present on that occasion; and believed he had not attended for a year. Now, Sir, though unlimited in talent, the right hon. gent. is not unlimited in point of strength or of time. It is impossible he can look to all these things himself; but why should not the junior lords look to them? and certainly it is impossible they can investigate them if they absent themselves. I do not blame the right hon. gent. so much for his own individual conduct as for not giving sufficient orders to others. I am particular upon this subject, because in case such enquiry had been made, it would have been found that the averments contained in the memorial from lord Melville were not exactly founded in fact, and it is upon this I shall call upon the house to agree to some resolutions which I intend to propose, and which I think they cannot reject; if they do they will sanction a waste of public money, which may lead to the very worst consequences. I say, that upon the ground of a false statement which might have been discovered to be false upon examination, it appears that no step had been taken to recover the remainder of the debt due to the crown. People may say all this is trifling, but that is not the way to argue the question, it is not the way that any persons would argue in private life with regard to their own concerns, and it is a mode of argument that ought not to be applied to the expenditure of public money. I admit that some portion of compassion may sometimes be very properly exercised in favour of a debtor, but there appears no just plea of that kind in this case. Mr. Samuel Jellicoe, the son of Adam Jellicoe, in whose accounts the deficiency existed, stated in the first instance before the committee, that he attributed the forbearance exercised towards him to compassionate motives; but the next day he contradicted that evidence, and said he did not know to what motives to ascribe it. Mr. White, solicitor to the treasury, was employed to get possession of the property and effects of the deceased Adam Jellicoe, and at first he bustled about, and seemed to have nearly extracted all the property which Mr. Jellicoe once possessed. He then stopped. He was first employed in the year 1788, and after the year 1793 he took no further step in the business, except some instalments being paid. I have said thus much upon this subject, in order to state all the points to the right hon. gent. The solicitor of the treasury took no steps at all from May, 1800, nor were any taken by any person to recover the remainder of the debt due to the crown, whilst, at the same time, some of the property appears to have been valued at less than the value. It is upon these grounds that I call upon the house to vote certain resolutions, in which I have expressed my opinion upon this subject.—Having discharged my mind of these minor topics, I now come to the most material part of the subject, I mean the advance of 40,000l. to the house of Boyd and Benfield. It is now pretty well known, that if the naval commissioners had not been appointed, this fact would never have been known to the house. With respect to the statements of the right hon. gent. and another right hon. gent. (Mr. Long,) who, at the period when the advance was made, was one of the secretaries of the treasury, the facts of the case, though not before the house, have been long known, although there is some difference in the satements. When a great commercial house fails, it too often happens that quarrels arise, by which means statements on both sides are produced, in which the public generally feel very little interest. These statements, however, will enable me to discover whether the house of Boyd and Benfield was at the time this advance was made in a solvent state; if it was not, I contend the advance made to them was most ruinous, as it tended to raise their hopes and inflame their expectations, and thus to lead them on the sooner to their downfall. I am far from saying that there is no occasion on which a minister ought not to violate all forms and act upon the spur of the moment, or that it may not be necessary to conceal for a time such a violation of form, otherwise the effect of the measure will be lost. The state may sometimes be saved by a violation of form. But if a minister feels himself called upon to violate forms, for what he conceives to be the expediency of the public service, ought he not to take steps to prevent others who succeed him from availing themselves of this precedent for a bad purpose? How can he do this, but by making a record of it, that if he live he may tell the public of it, or, if he die, the reasons of the act may appear, and a precedent may not be established destructive to the public interest. If forms must be habitually violated, they ought not to exist. The right hon. gent. said in evidence before the committee, that he could not reveal the circumstances of this transaction, because, if he had, it would have induced that which it was his object in doing it to avoid. This I do not ask, but that he should have revealed it when he could do it with safety, the period being past when any injurious consequences could have resulted from the disclosure. The only reason given by the right hon. gent. in his evidence for not doing so was, that it did not occur to him. The right hon. gent. having thus violated the law, and not revealed it to this house, I feel myself compelled to call upon the house to take some measure in consequence of this conduct. I own I am a great friend to fair dealing, and if the right hon. gent. had come to the house of commons, and stated the circumstances of the case, I would have said, take your bill of indemnity, let it not be drawn into a precedent.—Let us, sir, now consider some of the circumstances of this transaction. In the years 1795, 1796, and 1797, great distress was felt for money both by government and individuals. In the year 1795, the distress for advances on the loan was so great that the right hon. gent. had recourse to an expedient which would have thrown discredit on any mercantile house in Europe, that of making fictitious paper for the purpose of raising money. This expedient, however, did not succeed, and a great part of the paper came back without producing a farthing. Who managed this transaction? Mr. Boyd. Who drew the bills? Mr. Walter Boyd, jun. by whom the bills were purported to be drawn at Hamburgh, but who was in fact at that time in London. Who was Mr. Boyd? I believe him to be a man of talent, a man of vast views, who could sketch out a project in a few minutes which should produce 8 or 10,000,000, without any possible loss, or any body being the worse for it. He unfortunately obtained the confidence of the right hon. gent., and obtained an ascendency in the commercial world which was very injurious, as it introduced a system, which was productive of very injurious effects. He also at that time contracted for a loan, which I believe was a close loan. The distresses of government were so great, that they called for an anticipation of the payments on the loan. Before these were all made, there was another loan of 18,000,000l., which the right hon. gent. wished to be by competition; to this Mr. Boyd objected, and the right hon. gent. at length agreed that he should bid over the other biddings, if he pleased; this in the end became a close loan, or, at least, in which Mr. Boyd and others were contractors. The loan of 18,000,000l., for the service of the year, was a close loan, and it was upon this that the transaction took place. Mr. Boyd obtained advantages upon that loan, which became the subject of discussion in a committee of this house, and by which it appeared that the loan was at a premium of 12 per cent. before the first instalment was due. Much has been said about the discount upon this loan; it appears, however, that up to late in April 1796, it was at a premium of 6¼; in general ten, and sometimes twelve; it afterwards fell to a considerable discount, to fifteen, and 15⅓, the average of the premium was about 7¼, and of the discount 6¾. It was in September 1796 that Boyd informed the right hon. gent. of his situation, although in the April previous he had contracted for another close loan of 7,000,000l., at least it is stated to be close. What did the house of Boyd and Benfield do all this time if they did not sell their scrip? Some might sell at a premium, and others might stay till they were obliged to sell at a loss; but in this case they must pay for their own misfortunes; and to single out one individual in this situation for assistance from government, was acting unfairly to all the rest. It besides creates suspicion, when it is considered that the gent. was a member of parliament, that his partner was a member of parliament, and that they were the negociators of Hamburgh bills. Strong suspicion is excited that this was the cause of their having the two loans of 18,000,000l. and 7,000,000l. given to them. When it is said that the advance of this 40,000l. averted a great public calamity in preventing the failure of the house, it is impossible to suppose that the want of 40,000l. could have caused the failure of such a house. Why could it not be obtained by carrying their scrip to market? In recurring to these transactions, I wish as much as possible to avoid speaking of Mr. Benfield. I cannot but feel for the situation of that gent., who was unfortunately the partner of Mr. Boyd. I respect his unmerited misfortunes and cannot but lament that he and his family have been such severe sufferers by the wild and chimerical speculations of his partner. Why should not Mr. Boyd sell his scrip, as well as other people, if he wanted money? and would there be any singularity in his doing so, as he was supported by the example of the other great mercantile houses? Supposing even the consequence to be that the house of Mr. Boyd should have failed a little sooner, would it have had a greater, or rather would it not have had a much less injurious effect upon credit, than any of those mercantile houses, not subject to such daring speculations, and known at all to have been infinitely more substantial? How was it to be supposed that the loan of 40,000l. was a sum which could have produced any effect whatever upon a house such as Mr. Boyd's was then supposed to have been. I deny, that if the house was solvent, even any temporary effect was of such a nature as could justify the violation of the law. Even on the supposition of their selling the scrip at the greatest discount, the utmost loss could be no more than 16,000l. which could be but a trifle to a house immersed in such stupendous engagements. If the right hon. gent. had no other reason to suspect them, he should have done it, even on account of their being in distress, which could only have been produced by their making so bad an use of the immense advantages they possessed in what is called the monied market. I must confess that from early habits and acquaintance with markets of another description, I have a great dislike to the word monied market, as I cannot well comprehend the meaning of the term. When I hear of the corn market, and the hop market, I understand the phrase perfectly well, and it reminds me of him to whose indefatigable industry, and judicious exertions in transactions with these markets I am indebted for every thing which I have the happiness to be possessed of. The public, I believe, as well as the individual who has now the honour of addressing you, may find reason to rejoice in the success of those exertions, and the rewards which must stimulate the energies of industry: in enriching an individual, they added also to the wealth of those with whom he was concerned; and in procuring wealth to himself, instead of hurting any man, he diffused it, in a just proportion, amongst those around him. Let others, if they please, boast of an illustrious line of ancestry. I do not envy; on the contrary, I respect them. I think the estimation of ancestors as useful for producing emulation in the descendants, as the existence of rank is necessary to the good order of a state. Every family, however great and illustrious, must have had its founder; and while others pride themselves in their remoteness from their founder, I feel a pride and satisfaction in being the nearest to mine. With these sentiments and impressions, I own that I cannot recognise the affinity which the monied market has to any other, nor can I bring myself to think of it but with disgust. When we hear of such things as stock-jobbing, waddling out of the Alley, lame ducks, the numerous artifices, but, above all, the frequent and fatal forgeries which are committed through the means of this market, it cannot be viewed but with abhorrence, compared with any other; and, if those concerned in them grow rich, I cannot esteem it obtained with so much credit to the individual, and so much benefit to the public, as that which has descended to me. These, sir, are the reasons, why I dislike the very name of money market. But, dismissing that subject, it is said that in that market there is a way of getting at the votes of members of this house. I am very far from saying that it is so. I certainly do not assert any such thing myself; that would be unbecoming. But, in the opinion of many, and, perhaps, of the public too, it was somewhat strange, that such loans should have been given only to members of parliament. At the time the bank of England narrowed their discounts, and particularly to the house of Boyd, why did not the right hon. gent. enquire into their reasons for having done so? It was unquestionably his duty to have made the enquiry, for the safety of the public; and if he had done it, he would have found that the unbounded speculations of Mr. Boyd, in the Alley, gave them reason to suspect the solvency of the house. Mr. Boyd represented to the right hon. gent., that the bank narrowed their accommodations to him, only to oppress him; and was the right hon. gent. such a novice as to suppose, that oppression could have been their motive, or that they had not other very sufficient reasons for doing so? To set the matter, however, beyond all controversy, the fact is known, that the bank had made representations to the right hon. gent. upon the subject, and informed him that they could have no confidence in the security of Boyd, as it was his practice to make great promises, and as often regularly to fail in them. I will do the right hon. gent. the justice to say, that he did not lend the 40,000l. without having obtained security for it; but he should have confidence that Boyd ought to have other resources without having recourse to so extraordinary a one as this was. It is further to be remarked, that in the midst of these embarrassments, the right hon. gent had another transaction with Mr. Boyd for sending 150,000l. to China, by the way of the Cape of Good Hope. I know not why it is, sir; but when I hear this silver contract mentioned amongst mercantile men, I always see them laugh; but, as I am not in the secret of this silver contract, I shall say no more about it; and should not, perhaps, have mentioned it at all, but to shew that Mr. Boyd at that time had the preference in every thing. Mr. Boyd had also other loans in the years 1796 and 1797; and nothing so fully proves the negligence of the minister, as that he took no means to inform himself of the circumstances of that gentleman, who was under extreme embarrasment long before these had taken place. [Mr. Whitbread here read extracts from several letters, in proof of the existence of these embarrassments.] I find in a letter which, previously to these loans in 1796 and 1797, he wrote to Mr. Benfield, in which he told him, that he was a ruined man. In August and September 1796, he states, in letters to the same gentleman, the great distresses of the house, and the great relief he found in a discount from a foreign house, with which he had been intimately acquainted, of 50,000l. His embarrasments, he further adds, were so great, that he was under the necessity of applying to another quarter, namely, to Mr. Pitt and viscount Melville, where in prudence and policy his distresses ought not to be known. In short, throughout the whole of this period, his letters contain a shocking recital of his distresses, all occasioned by his adventurous speculations in the Alley. It has been said, that after all there was no inconvenience occasioned by this advance to the payments of the navy, and I am ready to admit that no demands on the office of the paymaster went unpaid at that time. It must at the same time be remembered, however, that the navy bills were not paid with proper punctuality. I remember, on a former occasion, when an hon. gent, not at this time a member of this house (Mr. Robson), having stated, that a bill for 17l. or 18l. went unpaid at the sick and hurt office, he was taken up in such a tone of indignation and defiance to prove his charge by the then chancellor of the exchequer, that the right hon. member alluded to was stunned, and apprehensive at the moment that he had been guilty of a kind of treason, whereas, in a short time afterwards, it turned out that the statement was not only true, but that there were several other bills in the same predicament. It is with pain and concern I also observe, that there have all along been very shameful delays in the payments of the half-pay of the navy; and surely, of all other branches of the service, there is not one which so imperiously requires a prompt and immediate payment, as the supply of the exigencies of those gentlemen, who having won such glorious laurels for their country, and having no other support but their pay, are kept generally six, but constantly three months in arrears. This distressing circumstance had hitherto escaped my notice; and I hope that it will be remedied without delay.—This, sir, is a task which I imposed upon myself, when I gave notice of my former motion, and in the discharge of it, I do not mean to criminate the right hon. gent. though I wish to have the circumstance placed as a record upon your journals. A confidence in that right hon. gent., when he was considered in the midst of his rapid career, for the salvation of his country, made things be overlooked, which, in other times, and under other administrations, would have created considerable alarms; but, at the present moment, it becomes parliament, that it will not always be indifferent to him. I own I am anxious this night for the co-operation of the friends and adherents of the noble viscount, who preceded the present chancellor of the exchequer, for I must, in common with them, commend the accuracy of lord Sidmouth's administration of the finances; he never attempted those dashing things that are so conspicuous in the character of his successor. And I must confess, that however I may have condemned the incapacity of that noble lord as a war minister, though he did but little in his short administration of the war, his successor has done less in a much longer period. —The hon. gent. concluded by moving the following resolutions. 1. "That in September 1796, Messrs. Boyd, Benfield, and Co. being then contractors for two loans in the progress of payment, did represent to the right hon. William Pitt and the right hon. lord viscount Melville their inability to make good an instalment, falling due on the 9th day of September 1796, on account of the general embarrassments at that time, affecting both public and private credit, and the particular line of conduct adopted at the bank, of limiting their accomodations in the way of discount."—2. "That the right hon. William Pitt being impressed, as stated by him, with the belief of the importance and urgent necessity, with a view to essential public interests, of granting relief to the said Messrs. Boyd, Benfield, and Co. for the purposes of making good the said instalment, and no other means suggesting themselves by which much public mischief might be prevented, and having understood from the right hon. lord viscount Melville, the treasurer of the navy, that the sum of 40,000l., which, together with other sums, had been issued from the exchequer, and placed to the credit of the said lord viscount Melville, at the bank of England, as treasurer of the navy, for navy services, might be spared without inconvenience, provided unquestionable securities were obtained for the repayment of the same, within a short period, did consent to the advance of the sum of 40,000l. which had been issued for navy services as aforesaid to the said house of Boyd, Benfield, and Co."—3. "That it appears to this house, that sufficient securities were produced for the repayment of the said sum of 40,000l.; that it was afterwards repaid by instalments, the last of which was received in January, 1798; and that no interest was paid thereon by the said Messrs. Boyd, Benfield, and Co."—4. "That no memorandum or entry of any kind of the said transaction appears to have been preserved, and that no act of indemnity for the persons concerned in such transaction had been obtained."—As soon as the resolutions were handed up to the chair,

The *Chancellor of the Exchequer* rose and spoke to the following effect:—Sir, I do not think it necessary to endeavour to follow the hon. gent. through the variety of matter, unconnected with the subject, which he has thought proper to introduce. It cannot be expected by the house that I should do so, since it would be occupying their time in discussing affairs with regard to which they are not on the present occasion called upon for a decision. Least of all, sir, can it be supposed that I should follow him, when, in bringing forward a specific charge against an individual, he wanders from the question in order to discuss the different merits of the present and late administrations—the different merits of lords Melville and St. Vincent in the blockade of the enemy's ports—the degrees of economy of different ministers—and a great many other points, the introduction of which can serve no other earthly purpose but that of wasting the time of the house. These things I shall abstain from for the present. There will be a day soon, when, upon the motion of an hon. gent. (Mr. Grey) near him, they will come in more naturally. Till that time arrives, the house will not expect that I should enter upon these topics, and allow myself to be diverted by them from the question immediately before us. On reflection, I am persuaded that the hon. gent. himself will think that they might very well have been spared. Now, sir, looking at those things that deserve to be enquired into, we find the hon. gent. talking of the money market, the bulls and the bears, the lame ducks, and other circumstances connected with 'Change-alley, with all which he forsooth is mightily displeased. Now, sir, it so happens, that in this country, distinguished for its wealth, its commerce, and great necessary expenditure, there must be a money market, and this I apprehend is not to be accounted a very bad thing merely because the hon. gent. does not like the phrase. His fastidious ear is greatly offended with the coarse term "money market." But the question is not with respect to the term, but it is, whether there shall be in this country public and private credit, and if it be decided in the affirmative, I trust the house will be of opinion that a money market is not so disgraceful a thing, though the term has given such a rude shock to the delicate and critical ear of the hon. gent.—Now, sir, to come to the business before us more particularly; I must, in the first place, shortly advert to the affair of Mr. Raikes and myself, though this part is not rendered the foundation of a specific motion. The hon. gent., in touching upon this point, has very candidly admitted that there is no appearance of participation or corrupt intention on my part. I am glad, sir, of this admission, and the more so, as it prevents the necessity of my troubling the house with any long discussion of that part of the case. At the same time I cannot pass it over entirely without congratulating the hon. gent. that he has acquired so much new light on this subject, which shews him that the case does not stand exactly in the same situation as he once apprehended. Perhaps this may teach him, on any doubtful point hereafter, to be more sparing of his insinuations, and to wait with more patience till the whole of the evidence is brought forward, before he comes to any thing like a decision. He will, I trust, learn to reserve his judgment prudently and cautiously, considering that the result of any investigation may possibly turn out very different from what he may have at first supposed. There is another thing, too, which is not to be altogether left in silence. The hon. gent. has told us, that he thinks there has been a great deal of superfluous discussion about the manner in which the communication was made; supposing no doubt, that if the communication was made, the manner is not very material. But the hon. gent. has surely not attended to this circumstance sufficiently, otherwise he would never have given such an opinion as this. I would ask the house, and that hon. gent. himself, whether in considering an affair of this nature, a great deal does not depend on the deliberation with which the communication was made, and the character of the person making it. I do not mean his character as to respectability, but the capacity in which he stood and acted, the documents that were produced, and a variety of other circumstances. It makes, surely, a very wide difference whether a communication is regularly and officially made, or whether it be made in some casual or general conversation. The degree of weight, the degree of precision, and the whole of the circumstances under which the affair happened, must be taken into account, in forming a decision on such a subject as this. It is not therefore, sir, immaterial to ascertain whether Mr. Raikes spoke to me as governor of the bank, or merely as a private individual —whether he spoke at the desire of the bank, or of his own accord—from his own knowledge, or upon hearsay. The house, sir, are now in possession of the evidence on that point, and I hope they will think that I have done my duty, though I myself certainly regret, from what has since happened, that I did not enquire more particularly into the matter suggested by Mr. Raikes. Yet I hope the house will be of opinion that under all the circumstances of the case much blame could not attach to me for not having at that time made a more particular inquiry. This leads me to another general observation, which is here too material to be passed over. It is this, sir, that when a man is brought forward under a charge of this nature, you are not to take the circumstances exactly as they stand at present, but you are to put yourself in his situation, and consider how he was to act with the light and in the predicament which he then stood. It is to be observed that such an explanation was given me as appeared to clear up the whole matter relative to the communication made to me by Mr. Raikes, according to the view which I then had of the act of parliament. But the hon. gent. has said, that it is singular that I should have forgot the act of parliament. Now, if he will again look at the report of the committee, he will find that he has given an interpretation to my words which they will not fairly bear. I did not say, sir, that I had forgot that there was such an act of parliament, but that a particular provision of the act was not under my contemplation. I certainly conceived that the withdrawing of the money was not illegal, when it was only drawn in such sums as were said to be necessary to carry on the details of the office. Whether or not that be the sense of the act, may be still perhaps a matter of doubt, but I do not think it necessary to consider that point at present. It may hereafter be a proper topic for discussion, but at this time it is not material. This is all, sir, that I think it necessary to say on that part of the hon. gentleman's speech upon which no charge is brought against me. The next point, sir, and one on which a specific charge is made, is the transaction respecting Mr. Jellicoe. On this, I shall certainly not trouble the house at any great length. But I feel myself justified in declaring, that if the thing was to happen again, under the same circumstances precisely, I should certainly act as I have done before. I was, and am persuaded, that it was nothing but the strictest justice to lord Melville to grant him the discharge required in this instance. The treasury board had enough before them to convince them of that circumstance, and thought themselves of course bound to act according to the view which they, in my opinion, with great justness and accuracy, entertained of the matter. The grounds, sir, on which this opinion rested, are briefly these:—Lord Melville did not appoint Mr. Jellicoe, but found him an old and confidential servant of the public, who appeared to have acted with great fidelity in the discharge of his duty for a long period of time. Lord Melville never knew him before, nor could he be supposed to entertain any particular personal partiality for him. He afterwards found that, from some degree of imprudence, Mr. Jellicoe was embarrassed in his affairs, But, whatever degree of blame might attach to Mr. Jellicoe for the particular acts which he had committed, yet when his long services were considered; when it was considered how he had been seduced, the degree of feeling and honest agony which he displayed; nobody, who knows lord Melville, and the humane and liberal sentiments by which he is actuated, could suppose that he would be very forward to bear hard on a man in that situation. Any unnecessary severity I am sure he could not use. But besides this, sir, there was no possibility at the time that any thing could result from severe measures being pursued, but the total ruin of Mr. Jellicoe, at the same time that every chance would be taken away of having the money repaid. Lord Melville, therefore, upon a consideration of the circumstances of the case, determined not to act with severity against Mr. Jellicoe, which mode of proceeding conferred a favour on him, of which perhaps he was not altogether undeserving, and at the same time afforded a better chance of having the money repaid to the office, and though that chance has failed, yet it is impossible on that account to think the worse of the transaction, which, under the circumstances, any one might be fairly justified in having recourse to. Why, then, in this situation, with such a case before them, could the lords of the treasury hesitate a moment whether lord Melville should be made personally responsible for the sum that was lost, or whether the writ of privy seal should not be granted him to discharge the debt? They thought, sir, and in my opinion thought justly, that under all the circumstances he was fairly entitled to his discharge, and it was accordingly granted. Any further enquiry appeared to be unnecessary, and the best evidence to shew that it was unnecessary, is, that at this day, after such a long period has elapsed, the very same sentiments seem to be justifiable with regard to this case. If this be true, what more enquiry could be then reckoned necessary? The treasury board had a case before them, which they thought amply proved, and they acted accordingly; and I trust the house will be of opinion that they acted justly. Now, sir, as to the dates of the warrant, and the writ of privy seal to which the hon. gent. has adverted. I must fairly confess, that there does appear on the face of them an incongruity which I am at this moment not able to explain. Perhaps, sir, it was merely a mistake, perhaps wrong dates were inserted by accident; or what is more probable, perhaps the incongruity arose from a wish to save time, and to expedite the writ, with a view to have it laid before the treasury board. I certainly cannot explain how the incongruity of the dates arose in this instance. But at the same time it is to be observed, that such things are very often done, and, in fact, it must be obvious to every person in the habit of conducting the concerns of any great and busy department, that it is impossible that official business can be performed without sometimes, for the sake of convenience, having recourse to trifling irregularities of this nature. All this is of less inconvenience, because it is impossible that it can be productive of any mischief, at least in this instance, for the irregularity cannot prevent the whole from being as completely open to discussion as if no irregularity had taken place. I therefore trust that the house will not be disposed to give more weight to this circumstance than it really deserves. There is, sir, only one other point in this part of the case to which I wish to advert. The hon. gent. has said, that there is no other instance of any discharge being given in this manner by a writ of privy seal. Now I say, that the regular mode of proceeding in cases of this sort is by a writ of privy seal from the treasury. I am not at present entering upon the merits of the case, but only discussing the propriety of the mode of procedure. Now I say, that the case of my lord Grenville, mentioned by the hon. gent. is strictly analogous to the present. He supposes that lord Grenville having obtained this money for secret service, advanced it to some person abroad, who ran away with it. The fact is, that being issued to the noble lord for secret service, he delivered it to some person acting under him, and he embezzled it. It would be extremely hard, indeed, if lord Grenville should be personally responsible in this case, and accordingly the discharge was granted him, in the propriety of which proceeding the hon. gent. seems to concur. Now, the plain fact of the case of lord Melville is, that he having obtained the money in his official capacity entrusted an officer, acting under him, who misapplied it. No two cases could possibly be more similar, though I apprehend that little depends upon the exact similarity. However, it does happen that they are of the same nature, and a discharge in the one case, as far as the form is concerned, was as proper in the one as in the other. This being the short and plain statement of the matter, it really does not appear to me that I need trouble the house any longer on this point. —Now, sir, I come to the most material part of the hon. gentleman's speech, which is that which relates to the 40,000l. lent to the house of Boyd and Benfield. Here again, sir, I must say, that the hon. gent. has gone into a variety of matters unconnected with the subject. He has dwelt upon different transactions, such as the Hamburgh bills, a former loan, and a great many other things that were regularly enquired into by a committee of this house, and properly investigated by them. The hon. gent. supposes that the former loan in 1795 was a close loan. The fact is, that this was an open loan; but another loan of 18 millions was wanted in December in the same year, which was a close loan. And why was it close? It was because the house of Boyd and Benfield having purchased the former loan, it was contrary to agreement, and inconsistent with the public faith, that another open loan should be contracted for till the instalments of the former was paid up. There was another smaller loan of seven millions and a half required in April, 1796, and this was a close one for the same reason. The house of Boyd and Benfield had the first loan because they were the highest bidders, and they had the others because we had no right to resort to any other persons. This is the real state of the transaction, which the house will probably recollect. But, sir, it is needless to dwell at any length on this subject, because it has already been sufficiently investigated by a committee of this house, and that committee made a report which produced a resolution, that, with the consent of the house, I shall take the liberty to read. It appeared there, sir, that I was the first who resorted to the method of contracting for loans by competition, for the very purpose of rendering it impossible that they should be perverted and made the instruments of conferring favour on any person. But when in this instance the practice was departed from, there were strong suspicions that there was favour in the case, and a great clamour was raised on the occasion. The strictest scrutiny was therefore instituted into the affair, and the result was, that the house came to the following resolution;—[Here the right hon. gent. read from the journals a resolution of the house to the following effect:]—"Resolved, that it appears to this house, that the practice of procuring loans by open competition, established by the chancellor of the exchequer, has been productive of very great advantage to the public, but that here it could not be applied in consistency with the particular circumstances of the case, and the public faith pledged to individuals."—This, sir, was the opinion of the house upon a transaction which is now conjured up to induce the house to think that I was actuated by some motives of favour to certain persons, on account of their being members of parliament, by whom I was at that time supported. I trust, however, the house is convinced, that I was actuated by no such motives. Why, then, sir, as to the Hamburgh bills; the hon. gent. talks as if there had been something peculiarly mysterious in that affair. But this too was enquired into, and found to be necessary for the public service. The hon. gent. has read resolutions, stating merely the fact; but it was a waste of the time of the house to enter upon any that did not lead to a practical conclusion. The only reason for resolving upon facts is the practical conclusion to which they may lead. The resolutions read by the hon. gent. at the time of issuing these Hamburgh bills, were designed as the groundwork of a strong censure of the practice. The question was put on these, the yeas went forth—[reading from the journals]—tellers, Mr. Jekyll and the hon. gent. Mr. Whitbread, with whom eight persons concurred in opinion.—(A laugh.)—It is somewhat singular after this, that the hon. gent. should again advert to these bills. There has been lately an occasion when he thought the opinions of a smaller majority of much more consequence. Now, sir, the hon. gent. seems to insinuate, that this loan was made to the house of Boyd and Benfield, as a return for their assistance with respect to the Hamburgh bills. But what are the facts of the case? They are briefly these:—The house of Boyd and Benfield had contracted for two loans, the one of eighteen millions, in December 1795, and the other in April 1796, and one of the instalments was due on the very day in which the accommodation of the 40,000l. was requested; at the time, the house of Boyd and Benfield were the principal holders of these loans. But he said, that they might have sold them early, and by that means made a great advantage of them. But the fact is, that they had not sold them, and that a great part still remained in their hands. Under these circumstances, when there was an evident distress from what the witnesses called a scarcity of money, when no money could be procured even on good security, when government securities and East-India securities could not be turned into money; under these circumstances, which were known to be facts, they said that they could not pay the instalment, unless the 40,000l. which they required was advanced to them, since no money could be raised on good security. It was impossible in such a case to refuse the accommodation required without the most serious mischief to the public. Now, sir, the evidence of Mr. Drummond, who was one of the partners in the house of Boyd and Benfield, may have contributed to mislead some. When he was first examined, he declared that he was not conscious of any embarrassment in the house at that time, or any extraordinary difficulty in procuring money. But it afterwards appeared that he mistook the question, which he supposed to refer to the period of the loan in 1795. When the matter was explained to him, he did distinctly state that the house laboured in 1796 under very great embarrassment, and that it was next to impossible to procure money in any way whatever. But, sir, the matter does not rest on his evidence alone. It is in the recollection of every person that there did prevail a very great difficulty in the money market at that time, that there were some apprehensions of an insurrection in Ireland, and a great run on the northern banks, which lead to the necessity of stopping the cash payments of the bank of England. It is well known, that there was a stagnation in commerce; and a committee investigated all these circumstances, and confirmed the existence of the facts by their report. But, in addition to this, we have the authority of an hon. gent., a member of this house, whose opinion on this subject must be of the greatest weight; one whom the house cannot disbelieve, as possessing the best means of information, having acted in the offices of director and governor of the bank. He knows, that money could not be procured at that time, even on good security; and therefore, government was under the necessity of accepting those securities, and of advancing the sum required. But then we are told, that the house of Boyd and Benfield might have sold stock, if they had any scrip at that time. If they had done so, sir, it is well known that they must have done it at a very great disadvantage. They must have sold at a very large discount, and increased their embarrassments so much as to render them incurable. But the mischief would not be confined to themselves alone: such quantity of stock brought into the market would have occasioned a fall that would have perhaps ruined many of the other contractors, who had stock upon their hands, and a heavy blow would be given to the most considerable mercantile houses. The consequence, therefore, of refusing to advance the 40,000l. would have been, that a new loan must have been contracted for on very disadvantageous terms indeed to the public. The nation then must have sustained by the refusal a far greater loss than that of the 40,000l., even supposing that it had been lost, which however could not be, since security for the money was lodged in the hands of government. But this, sir, is not all. People may perhaps differ as to the propriety of giving money to foreign courts. But the hon. gent. has admitted, that the question here is to be considered with a view to the opinions of those who were then at the head of affairs. Boyd and Benfield were then employed in transmitting the loan to the Emperor of Germany, in support of a cause in which we thought that the salvation of Europe and of this country depended. When disturbances then were apprehended in Ireland, when the run took place on the northern banks, which led to the measure of stopping the payment of cash at the bank; when the affairs of the country were in this critical situation, was that a moment when the minister of this country, who hoped to deserve the confidence of this house, could suffer any consideration, any personal responsibility to stand in the way of a measure on which the fate of the country might depend? I know the candour of the house with which I have to do; and I trust they will think that I have not deserved censure. Yet, whatever may be their opinion, I shall bow with respect to their decision. But, at the same time, no apprehension of any penalty, not even the displeasure of this house, which I should reckon the greatest calamity that could befalme, except one, and that is, the remorse of conscience which I should feel if I allowed any fear of personal danger to deter me from acting for what I considered the salvation of my country, could prevent me from taking the measures which I did take on the occasion to which I am adverting. These, sir, were the circumstances of the case; this was the situation in which I stood, and all are borne out by the history of that period, which must be in the recollection of every one. But the hon. gent. thinks that I should have made a more particular enquiry into the circumstances of the house of Boyd and Benfield. This, sir, however, is nothing to his motion in the present instance, as he says that the insolvency of the house might have been prevented by other means. However, sir, I do not wish to take any advantage of that circumstance. I know that they were embarrassed at the time, but at the same time no particular enquiry was called for, because Boyd came to me with securities in his hand, and it was therefore natural to conclude that he was embarrassed, not from a failure of effects, but from the peculiar circumstance that money could not be raised upon good securities. This was a notorious fact at the time. If he had come to me merely with a general assertion of his solvency, then I allow that it would have been incumbent on me to have examined more particularly. But when on the contrary he came with unexceptionable securities, that completely altered the case. In such a situation, when the safety of the country was in various ways connected with the affair; when the instalment was to be paid on that very day; could I hesitate to grant the accommodation which seemed to be called for by unavoidable circumstances? What, if I had said that I could not grant the request immediately; that I must appoint a committee, consisting among others of lord Glenbervie, who was so much talked of by the hon. gent. in order to examine into the matters which Boyd and Benfield were so desirous to conceal, and by these means delay relief till the evil became incurable? Would this be a mode of proceeding to be justified in my situation? The house, I trust, will not be of that opinion. He says, that I might by a little attention have discovered the state of the house of Boyd and Benfield, and he has adverted to letters from the parties. But this sort of recrimination, contained in the letters and printed pamphlets of parties in that situation, are documents that can very little be depended upon. I at that time thought the house in no danger of insolvency, and it was impossible I could suppose that there existed any reason for an inquiry when good security was offered for the money. I have been the more anxious to state this, as the hon. gent. seemed to insinuate, that I might have favoured the house of Boyd and Benfield in particular. Now, it is fortunate for me that circumstances came out in evidence before the committee that throw some light on the transaction. It does appear that Boyd and Benfield received the loan under the sanction of the bank governors who were present, and if there were any doubts as to the solvency of any house I was accustomed to take their opinions. One instance in particular I recollect of one house, to which, on account of some of its connexions, I might be supposed partial, if I had ever allowed partiality to interfere with my duty, which was rejected on a doubt of its solvency having arisen. In the same manner the house of Boyd and Benfield would have been rejected had any doubts been entertained of its solvency, for I trust that no circumstance of my life can justify the supposition that I would allow favour to any individuals to stand in the way of my public duty. The opinion of the solvency of Boyd and Benfield did not rest on my opinion solely. It was only in 1798 that Mr. Thornton first entertained some doubts of its ultimate solvency, which he communicated to me in the spring of 1799. If the circumstance was only then for the first time known to the governors of the bank, is it surprising that it should not have been known to me three years before? When Boyd and Benfield stated facts, which I knew to be true, and which have shaken the credit of the best house in the city, could I be justified in refusing an accommodation that might serve to prevent so many evils? Under these circumstances, I shall certainly submit with resignation to any penalty which the house may think I deserve. I thought myself justified in what I did, though I knew that it was irregular, but there is no atonement to which I would not submit rather than abandon the principle by which I was actuated; I shall bow to the decision of the house, because I am sure that whatever that may be, it will be right. If they should think that I deserve censure, let it be inflicted; but while I submit to their resolution, I cannot but feel that, under the same circumstances, I would again act in the same manner. I trust, however, that the house will do me justice in the motives by which I was actuated, and conclude that my conduct, though irregular, was both reasonable and expedient. When it is asked why, under those circumstances I did not immediately come to parliament and ask for a bill of indemnity? I must answer, that if I had done so, I should have completely counteracted and defeated the very purpose for which this advance was made. If I had immediately thought it necessary to disclose the whole transaction to parliament and the country, the disclosure would have done much more mischief to that commercial house than the accommodation could have done them service. I believe it must be apparent to every gentleman in the house, that the disclosure could not have been made with any degree of honour, propriety, or delicacy, so long as that house supported a flourishing reputation, and its solvency had not been doubted. But when did the failure of Boyd and Benfield take place? It was not until the end of the year 1799, or the beginning of the year 1800, which was three years after the accommodation had been so granted. If for the three years preceding their failure, it would have been improper to make any such disclosure, gentlemen need not be any way surprised if in the year their failure took place, the many important and unprecedented events which took place prevented me from adverting much to the necessity of getting an act of indemnity respecting this transaction. The truth is, the circumstance did not present itself to my mind with such force as to make me deliberate at all about it. The hon. gent. seems to suppose, that I ought to have felt such compunction of conscience, such stings of remorse, about this 40,000l. as should have pressed me not to lose a day, or an hour, in getting this act of indemnity. I assure the hon. gent. I have none of those feelings of remorse that he seems to suppose I ought to entertain. I know that for my share in that transaction I am responsible: that I have been in some degree irregular, I am free to confess; but whether that violation of law was not strictly justifiable by the particular circumstances of the case; whether I deserve much blame for not having sooner applied for a bill of indemnity; are questions which I have now to submit to the candid consideration of the house.—Before I sit down, I must take notice of the spirit of the resolution moved by the hon. gent. The object of this resolution is to declare, that this loan, on account of its being secret, was a most dangerous precedent. Now, I am quite at a loss to know why a thing is to be a dangerous precedent, because it is a secret; and how it is to be a bad example, because it is not known! I am not now meaning to defend any violation of the law, if kept a secret; but I think it most strange to say, that by being a secret, it is therefore a bad example. I should rather have thought, that it was those crimes and violations of the law which are known, and not those which are not, that form bad precedents and bad examples. This is really, as I consider, the fair legal state of the question: it is now fully before the consideration of the house, and it is for them to determine upon it as they think fit.

Mr. *Henry Lascelles* commenced his speech with observing, that it would ill become him, after what the house had heard stated, with infinite ability, by the right hon. gent. (the chancellor of the exchequer) below him, to go at large into the question. In taking up the time of the house, he was not sanguine enough to hope that he should afford them any additional satisfaction; but having sat every day upon that committee, and having given all the attention in his power to what had passed there, he thought it incumbent on him to give notice, on a former evening, that he would propose counter-resolutions to any motion of censure which the hon. member on the opposite side might think proper to bring forward against the right hon. gent. below him. It, however, afforded him much satisfaction to see the hon. gent. who brought forward the resolutions this night, assume a tone and manner so different to that which he manifested when he first mentioned his intention of inculpating the right hon. gent. below him. From all that he had then declared, he concluded, that he had determined to bring forward a resolution of direct and unqualified censure against the right hon. gent., whom he seemed to wish to implicate in the misconduct which had lately engaged so much of the attention of that house. On a former night, when a motion of censure was carried against the violation of an act of parliament, and that it was voted a high breach of duty, he recollected that some gentlemen on the other side of the house, endeavoured to extend that censure to the right hon. gent., and loudly exclaimed, that the country was governed by a "disgraced administration." Some of those gentlemen had since an opportunity of convincing themselves that the epithet was ill applied, and he was happy to see them adopt a tone and manner, suited to the evidence which appeared before that committee, of which they were such distinguished members. The hon. member who opened the debate was the leading member of that committee; he called for what evidence he pleased, examined them as he liked, no obstacle was thrown in his way, all the documents on the table were produced by his ingenuity and assiduity; and it was not unfair to presume, that the moderate tone of the resolutions he brought forward, was the effect of the close and scrutinizing investigation which he had made into the conduct of the right hon. gent. in certain parts of the matters referred to that committee. There were three distinct facts which were the foundation of the resolutions. The communication made to the chancellor of the exchequer by Mr. Raikes, the conduct of the treasury in the affair of Jellicoe, and the accommodation afforded to the house of Boyd and Co. As to the first point, it was comparatively of small importance, and therefore he should not take up the time of the house with any observations on it. As to the conduct of the treasury with respect to the debt due from Jellicoe, he did not think that negligence was to be imputed to the right hon. gent. The customary orders for enforcing payment had been issued as soon as the defalcation was discovered, and it was not to be expected that a minister, superintending the most important interests of the country, could have leisure or opportunity for the consideration of such trifling details. The accommodation afforded to Boyd and Co. was not only justifiable, but meritorious in a great degree. All the evidences agree as to the distress which prevailed among commercial men at that period, arising from the scarcity of money, the impossibility of rendering securities of any kind available, and the ruin then impending over, and which shortly afterwards did fall upon some of the most respectable commercial establishments. At such a crisis could the hon. gent. have acted otherwise towards a house so intimately connected with the government, using, as they did, the precaution to to take ample security for the accommodation they extended to that house? But the right hon. gent. was censured for not having applied for a bill of indemnity: that certainly would have been more regular. Let, however, gentlemen call to recollection the different circumstances which occurred to prevent that application, he was persuaded they would see no great cause for censuring the negligence of the right hon. gent. in that respect. The hon. member, who moved the resolutions, thought there would be no great difference of opinion as to the resolutions. In that he could not concur with him. He could not agree with him as to his mode of stating the facts; and in the last resolution he did not think there was that positive expression of the exigency of the country, at that period, which, to the knowledge, he believed, of every man in the house, existed to a very great degree. He would, therefore, move an amendment, by proposing to put the previous question on all the resolutions but the last, in the place of which, with the leave of the house, he would substitute one he had prepared. The hon member then read the resolution, which was in substance, "That the advance of a loan of forty thousand pounds to the house of Boyd and Co. though not strictly conformable to law, was highly expedient in the existing circumstances, and attended with the most beneficial effects."—On the question being put,

The *Chancellor of the Exchequer* rose, just to make a single observation. He wished to know whether this was a case in which it would be proper for him to withdraw. The resolutions proposed contained nothing of a criminating nature, and the hon. gent. who proposed them had disclaimed any intention of moving them with a view to criminate him. But upon referring to a former case, when resolutions of a criminating tendency had been proposed, he observed an entry made, that the member, after concluding what he had to say in his defence, then withdrew. It was for the house to determine, whether the present was a case in which he should adopt a similar course.—(A general cry of no, no.)

The *Speaker* stated, that it would be for the house in its wisdom to decide; but as the resolutions were not of a criminating nature, it was his opinion that the case was not such as to require the right hon. member to withdraw.

Mr. *Fox* said, in reference to the observation of the right hon. gent., it was undoubtedly for himself to consider whether it would be proper to retire. But it did not appear to his mind that there was any thing in the resolutions proposed by his hon. friend of such a criminating nature, with respect to the right hon. gent., as to bring his case within the precedent alluded to.

Before he entered into the subject of the debate, he begged leave to advert to what had fallen from the hon. gent. under the gallery (Mr. Lascelles). That hon. gent. had stated that his hon. friend had materially altered his tone since the first time this transaction was brought under the view of the house, and the hon. gent. took occasion to repeat some words that were used by him (Mr. Fox) at the close of the debate on the 8th of April. Certainly, he did say at that time, after the resolutions which the house had passed, that the country was then under a "disgraced administration," and he expressed his hope and wish, that, while in that situation, no public business should be proceeded upon. But then this observation applied to lord Melville, who, notwithstanding the criminating vote of that house, formed an essential part of the administration. If the hon. gent. meant to insinuate that the right hon. gent., whose conduct was now the subject of debate, was condemned before he was heard, or before any enquiry into his conduct took place, he could assure the hon. gent. that, with respect to him, the insinuation was totally unfounded; or, if he would infer that any such disposition at all existed, he begged for himself to be excused from the inference. Neither he nor his hon. friend, the mover of the resolution before the house, ever did, in any speech, directly or indirectly, insinuate what would be the result of the enquiry before the select committee. Indeed, in point of fact, none of the gentlemen on his side of the house ever did hint that the right hon. gent. was at all involved in the misconduct of lord Melville. The connection first appeared from the statement of the right hon. gent. himself, with respect to the 40,000l.; and undoubtedly from that moment the right hon. gent. was justly said to be implicated in the delinquency of violating the law. But he never was considered to be criminal in any degree beyond that which his own avowal naturally implied. And he assured the right hon. gent. that he should feel as sincerely sorry as any man in that house if it had appeared, from the result of the enquiry, that the right. hon. gent. was guilty to the same degree as lord Melville. However much he might have differed from the right hon. gent. in the course of his political life; however he might have thought his general conduct deserving of blame; however he might think him blameable in this instance, yet he should have felt uneasy and unhappy had it turned out, after the high station which the right hon. gent. had so long held — after the opposition even which he himself had felt it his duty to give him, that the right hon. gent. was personally corrupt. For himself, he could declare, that he never entertained such an opinion of him, and he was happy that the result of the enquiry did not justify the adoption of even a sentiment of suspicion on that ground. Although he had frequently condemned the public conduct of the right hon. gent.; although he had on many occasions uttered sentiments respecting him which he should have felt it treason against his country and his conscience to suppress, still he never expressed a suspicion that the right hon. gent. was capable of personal corruption, nor did he ever entertain such a suspicion. However he might charge him with that species of corruption that attached to general neglect of duty, his mind entirely acquitted the right hon. gent. of that kind of sordid corruption alluded to by the hon. gent. under the gallery.—But yet in the case under the consideration of the house, another question arose. The right hon. gent. appeared to him, on the first mention of the transaction, with regard to lord Melville, not to have paid a proper deference and attention to law, when he was informed of its violation by Mr. Raikes. When information of that nature was communicated to him by any person whatever holding that office, which in foreign countries, is denominated "superintendant of the finances," it was justly thought incumbent on him to have instituted an enquiry into the circumstances, and to have put a stop to the evil complained of. From the report of the committee it appeared that the right hon. gent. had made enquiry, and however unwilling he might feel to aggravate the case of lord Melville, who was now ordered for trial, he could not help observing, that he did not think it possible that such an answer could have been given to, such enquiry. The right hon. gentleman's reliance on that answer, from the nature of the situation held by lord Melville, and the connection subsisting between him and the right hon. gent., could not fairly be made the ground of censure, although the neglecting to investigate the business farther, betrayed rather a want of diligence. But the circumstance, however, of the right hon. gentleman's giving credit to the statement of lord Melville, although a matter of regret, was not a just foundation for blame. No, but if the evidence on the table was correct, as he had no doubt that it was, for it stood uncontradicted by any thing that came from lord Melville himself when before the house, the guilt of the noble lord was in an inverse ratio to that of the right hon. gent. Without entering into the question, whether, if the amount of the transfers from the bank to the house of Messrs. Coutts, was bona fide for the purpose of carrying on the "details of office," such transfers would have involved a violation of the act, as was his own opinion, there surely could be no question that the transfers that were actually made were contrary to its spirit and letter.—But however the right hon. gent. might stand in this part of the subject, from his excusable confidence in the word of lord Melville, he was very differently circumstanced with respect to the case of Jellicoe. Lord Melville's tenderness to that man might form, on the score of humanity and justice, some claim to the consideration of the lords of the treasury. But the complaint was, that the noble lord did, in his endeavour to obtain the writ of privy seal, state that which was not fact, and that the treasury board did act on misrepresentation without enquiry. Lord Melville, it appeared, stated in his memorial that Jellicoe's debt was contracted before he entered into office, whereas the fact was, that much the greater part of it accrued after he became treasurer of the navy; and still more, that, after the indiscretion and debt of Jellicoe was communicated to lord Melville, he continued to trust him. Now there was this marked difference between the case of a noble friend of his (lord Grenville), for whom it was impossible for him to feel any other sentiment than that of respect, and the case of Jellicoe, to which the right hon. gent. professed to consider it quite analogous, that lord Grenville, after the money was embezzeled, reposed no farther confidence in the person who was guilty, and made no false statement; while, in the instance of lord Melville, the conduct pursued was directly the reverse. The blame then which attached to the right hon. gent. in the case of Jellicoe consisted in this, that he granted lord Melville an acquittance upon false grounds, and in an unprecedented manner, for a debt due to the public. Now, as to the 40,000l. lent to Mr. Boyd, he considered this transaction contrary, not only to statute law, but to the spirit of the constitution, and the principles of common sense. Nay, more, there were on the journals several resolutions expressly condemning the misappropriation of naval money. Every man, therefore, must be aware of the impropriety of such a practice. Indeed he was one of those who always thought that the law should not be dispensed with by any power, unless where the necessity was so urgent, that to abstain from such dispensation, would be a higher breach of duty than the violation of the law itself would involve. The question then was, whether the case of Boyd, was such as to justify a deviation from the general rule? When first the reason of this loan was stated, it really struck him with surprise. It appeared a most extraordinary transaction. What! that the credit of the government should be supposed to depend on a loan of 40,000l. If the government really stood in such a situation, which was to be collected from the general arguments of the right hon. gent., when he stated as a reason for avoiding enquiry, that if any delay took place, the evil might become remediless, then much as was generally said about delicacy of commercial credit, public credit was still more delicate. The right hon. gent. had stated that Boyd could not obtain money in the market for the securities he produced to government, "in consequence of the scarcity of cash, and the general embarrassment that then prevailed," and yet, strange to tell, it was not above three weeks afterwards, when his majesty, in a speech from the throne, congratulated the country on the prosperous state of its manufactures, commerce, and rapidly growing wealth. The precedent of such a loan was most alarmingly mischievous, and must, if suffered to be acted upon, establish a degree of arbitrary power in a minister.—What! if it should be understood that a minister shall have the discretion of advancing the public money to merchants, for their accommodation, upon any conception that he might form of their necessity, or to prevent any possible evil that his extravagant fancy might suppose, could there be any security for our freedom? How liable would such practices be to interfere with the purity of that house, and even with the independence of the mercantile world. For, it would be very unlikely that any merchant, independent of ministers, would participate of such accommodations. There were many failures of great mercantile houses in the city at the time Boyd received this aid, and upon what principle should aid be granted to one house, and refused to another? If it were really necessary to lend the public money, why not apply to parliament for its concurrence, as in the case of the West-India merchants some years ago? Nothing of the kind should be done without an act of parliament: the consequence of permitting it must be obvious. It was very justly asked, if the right hon. gent. felt the necessity of the case to be so strong, that he was confident of justification, why did he not apply to parliament for an act of indemnity? but the right hon. gent. said, he could not at the time the loan was made, without a disclosure, that must defeat the object in view. This was an argument, however, that did not avail after the temporary embarrassment of Boyd's house had ceased, when they had become so flourishing as to be entrusted by government with a large sum of money to be remitted to the Cape of Good Hope. It would have been no disgrace to Boyd's house to reveal the circumstances of the loan at that time. But after the total failure of the house no motive of delicacy could be pretended to exist. In the part of the right hon. gentleman's speech which referred to this point, he could not help observing, that there was much to complain of and even to deplore. The right hon. gent. declared, that he felt no compunction for the act. There was really something very extraordinary in the declaration—that a minister who violated a law for purposes of private expediency felt no burthen on his conscience—that he who was entrusted with a principal office in the execution of the law, should reflect, without pain, on a gross breach of provisions. The thing was not, as his hon. friend (Mr. Whitbread) had truly stated, to be heard without surprise and indignation in any government of law, but particularly in this country. The right hon. gent. had stated, at one time, that when the bankruptcy took place the act of indemnity did not occur to him. But why did it not occur to him? If the right hon. gent. were not in the habit of making such use of the public money, which he was not inclined to believe, and that this was the only case that had been detected, one would naturally suppose that the indemnity should have occurred to him, and it was a bad symptom of his government that he was not anxious to obtain it. But it might be said that he considered the application to parliament unnecessary, as he hoped the transaction would remain a secret. In this hope, if the right hon. gent. entertained it, he had been disappointed, and he trusted that this would serve as an example that the transgression of the law was not likely to remain a secret; for after nine years concealment, the malversation before the house was brought to light. Indeed, the misappropriation of the public money, was a thing that was never known to have escaped detection, at some time or other. With the exception of the 20,000l. mentioned by lord Melville a few nights since, that was a case perfectly sui generis. But the fact was, that the loan of the 40,000l. being known to many persons, was not likely to remain a secret, and as a secret precedent might operate considerable mischief. For what might be the consequence on a successor of the right hon. gent., who, from his example, might be induced to make similar loans. Such a successor might be told, " there, Mr. Pitt, who was represented by his friends, and admitted by his enemies, to be perfectly free from personal corruption, lent 40,000l. of the public money to accommodate an individual, how can you hesitate to do the same?" So much as to precedents in secresy, which really might be more dangerous than public precedents. However, the idea respecting money did not apply to the resolution before the house, for, although this act was secret before, it was now become a matter of publicity; and, therefore, some proceeding to guard against the operation of such a precedent ought to be adopted.—In considering the course that ought to be adopted on this occasion, it was his desire to distinguish the motive from the act. He had already said, that he acquitted the right hon. gent. of any degree of personal corruption and of course did not mean to impeach his motive in this transaction, but his object was to provide against such an act growing into a precedent; and he really thought that in candour the right hon. gent. himself would admit the propriety of such a provision. If the house should proceed beyond that; if any censure should be pronounced, it was his wish that such censure should be as mild as words could convey; for nothing appeared to him more essential in moral justice than to keep a marked line of distinction between the different degrees of delinquency in the distribution of punishment; that crimes of high enormity should not be confounded with those to which but a slight degree of blame was attributable. It was, in his judgment, as culpable to apply severe censure to a slight delinquency, as to suffer a flagrant offender to escape with impunity. He particularly wished, that under existing circumstances, the house should keep in view the distinction he alluded to. It was far from his intention, or that of his hon. friend, to follow the course of those proceedings from any thing like party feelings. He trusted that the house and the country would do justice to the motives that actuated their prosecution of great delinquency, and separate these motives altogether from any thing like party animosity.—With respect to the different modes of proceeding recommended in this case, the hon. gent. declared that, if his hon. friend's propositions should not be adopted, he would prefer a bill of indemnity, in the preamble to which the sense of the house might be so fully and strongly expressed so as to guard against the precedent complained of.

Mr. *H. Lascelles* observed, that if the house adopted his resolution, a bill of indemnity might afterwards be brought in upon that resolution.

Lord *Castlereagh* did not wish, nor feel it necessary to argue the general question at any length, conceiving that on the general view of the subject, there was no material difference of opinion, that might not easily be accommodated. He acknowledged the candour and moderation in which the original resolutions had been brought forward by the hon. mover, and also the hon. member who supported his motion; and was sure it must be satisfactory to the house, as well as to his right hon. friend, who had also acknowledged it. The only difference between the motion proposed by the hon. gent. who introduced the debate, and that of his hon. friend behind him (Mr. Lascelles) was, the former did not so fully state the facts, nor recognise the necessity upon which the act was done. He thought the motion proposed by his hon. friend much more to the purpose, and that coupled with a bill of indemnity, and a few words in amendment, stating, that the instance should not be drawn into precedent, it would meet the object of both sides of the house.

Mr. *Rose* vindicated the conduct of lord Melville and the lords of the treasury, on the subject of Mr. Jellicoe's arrear, and stated that Mr. Jellicoe had not been originally employed by lord Melville, nor had his arrear accrued under his immediate administration in that department; and that the whole of his property had been sold under an extent towards making good his deficiency.

Lord *Glenbervie* said, the statement made in the report of the committee, of the evidence he gave, was erroneous. He did not say he was present as a lord of the treasury, when the warrant was issued, to indemnify lord Melville for Jellicoe's arrear. If he had been, he should most probably have agreed to it without examination; but he was not for some time in the habit of attending that board, being employed more advantageously elsewhere for the public service.

Mr. *Sheridan* rose to ask a question, in order to save the time of the house; as upon the answer he should receive would depend whether he should think it necessary to debate the question at greater length. The question was, whether it was intended to ground a bill of indemnity upon the resolution announced by the hon. gent.?

Mr. *Lascelles* thought he had explained his idea, that the house had it in its option to pass a bill of indemnity, if it thought necessary. He himself thought the resolution sufficient; but if it was the sense of the house, he should have no objection to move for leave to bring in a bill of indemnity, founded upon his proposed resolution.

Mr. *Grey* could not agree to the wording of the resolution proposed by the hon. gent. because he could not consent to record the approval of an act, which, however warranted by circumstances, or deserving of indemnity, was a violation of the law. What he should propose then, instead of the resolution moved by his hon. friend, was merely a resolution, that the sum of 40,000l. had been issued by the lords of the treasury, for a purpose which appeared to them, at the time, necessary to avert a great injury to public credit; and then, upon that ground, without expressing any approbation or censure, to move for leave to bring in a bill of indemnity.

Mr. *S. Thornton* liked the resolution as proposed by his hon. friend below him (Mr. Lascelles), but did not think the insertion of the words, "not to be brought into precedent," necessary. He did not think such an event likely again to occur. The advance to the house of Boyd and Co. at the time, he thought was critically and indispensably made; if it was considered that the house was at that time agent for a loan of four millions to the emperor of Germany, and that it was pledged to pay a dividend of 187,000l. in a few weeks afterwards; any failure in either of which engagements would have been attended with ruin to their house, and very serious consequences to our affairs on the continent. He said also, the testimony given by Mr. Raikes on this subject was only founded on report, and certainly extra official; and without meaning at all to implicate the veracity of that gentleman's statement, of a communication made by him to four of the directors, he could state, from authority, that not one of those four gentlemen rememered a word of such communication.

Mr. *Dillon* thought the difference between the resolutions proposed on both sides of the house so trivial, as to be very easily reconciled, and produce the unanimity so desirable.

Mr. *Canning* thought, that in any resolution adopted by the house, two things should be done; one to characterise the act itself; the other, to guard against its being in future drawn into precedent. The latter of those would be done by the resolution proposed by the hon. member behind him (Mr. Lascelles), and from the character given in the same resolution, of the act itself, he would not depart an inch.

Mr. *Windham* thought it an unfair return for the moderation and candour admitted by gentlemen on the other side to have been exhibited by the hon. mover, and by his hon. friend (Mr. Fox), to force them to seem to approve of what they had not investigated. He thought the resolution of his hon. friend (Mr Whitbread) the only thing the house ought to vote at present; the substance of which was, that the conduct to which he referred being against law, as it was admitted to be, ought not to be drawn into precedent. The house ought not to give any opinion on the expediency of the measure, because, without a great deal of enquiry, the house could not be sufficiently informed to make up an opinion.

The *Attorney General* paid many handsome compliments to gentlemen on the other side for their candour and moderation upon this subject, but observed, that they should not place the minister in a worse situation by their candour, than they could have done by their utmost hostility. Had they attacked him hostilely, they would have put him on his defence, and then it was manifest that the house would have agreed that his conduct, although against a positive law, and, therefore, not to be drawn into a precedent, was yet, under all the circumstances of the case, not only justifiable, but highly meritorious. Gentlemen now asked the latter part of the proposed resolution to be left out, which was endeavouring by their candour to place the minister in a worse situation than they could have been able to do by their hostility: for which reason he supported the proposition of the hon. gent. (Mr. Lascelles) which, at the same time that it provided the case should not be drawn into a precedent, yet gave it the true character it bore, namely, a measure justified by the necessity of it.

Mr. *Fox*, in answer, thought the imputation upon his candour was ill-timed. He never said that the act was positively right. He only admitted that, though wrong, it might have been done with a good intent.

The *Attorney General*, in reply, observed, that the candour of the hon. gent. would have the effect of hostility; but he had not charged the hon. gent. with meaning it should have that operation.

Mr. *William Smith* arose, amidst a loud cry for the question. He considered the evidence in justification of the chancellor of the exchequer as defective, as it did not shew that the house of Boyd had attempted to sell out their scrip in small portions, which might have been done without depreciating the article, and also because Mr. Pitt was content with the mere word of Mr. Boyd, and made no enquiry into the necessity of the case.

Mr. *H. Lascelles* said, as the sense of the house seemed to be in favour of a bill of indemnity, he had no objection to such a course. He then read his resolution, which he proposed as the preamble of such bill, with the proposed amendment of lord Castlereagh, stating, that the act, though not conformable with law, and, as such, not to be drawn into precedent, was justified by the peculiar exigencies of the times.

Mr. *Wilberforce* was decidedly for the bill of indemnity, as the best recognition the house could adopt, of a transaction so extraordinary; which, though warranted by the necessity of the case, and justified the purity of his right hon. friend's intentions, was nevertheless contrary to law, and could not be sufficiently recognized by a mere resolution. But he was against using the words "not to be again drawn into precedent;" for certainly a similar necessity would justify a similar transaction, subject, however, to the cognizance of parliament. He approved of bills of indemnity wherever any breach of law was committed, and he preferred it in the present instance to a vote of that house, the more particularly, because he thought it proper, their being so many mercantile men in that house, and this being a mercantile question, that it should receive the sanction of the other house of parliament.

The *Master of the Rolls* said, if the house thought the act justifiable, it was wrong to say it should not be drawn into precedent; and if it were not justifiable, it ought to be marked with censure. A bill of indemnity, in the present case, he conceived to be a matter of indifference, if not a work of supererogation.

Lord *Castlereagh* did not think that the words "not to be drawn into precedent," would operate as a restriction upon future ministers. He approved of the resolution of Mr. Lascelles, with a bill of indemnity. He said, the amendment had been thrown in in compliance with the suggestion of the hon. gent. opposite. But as it was objected to, he should withdraw it.

Mr. *Bond* was favourable to the bill of indemnity, because an act of parliament had been violated; and however justifiable the motive, he thought nothing but an act of parliament would do away the transgression.

Colonel *Hutchinson* arose, but the demand for the question, for some time loud, now so much increased as to prevent his progress. At length, raising his voice very high, he said, I will go on; if gentlemen think they will put me down in this way, they do not know the individual whom they attack. No gentleman, in or out of this house, shall treat me in a manner I do not deserve. If I am disorderly, let any gentleman arise, and shew me in what respect I am so.—The hon. member then proceeded to state, that the resolution of Mr. Lascelles implied a strong approbation of the act; whereas, he thought, that the conduct of Mr. Pitt, in not disclosing it immediately, ought not to go down with applause; and, therefore, he should support the original motion. The house became clamorous for the question before the hon. member sat down.

Mr. *Whitbread* in reply alluded to what had fallen from the attorney general, who disliked candour and hated mercy, on the candid and moderate speech of his hon. friend (Mr. Fox), and on the resolution expressed by another right hon. gent. (Mr. Canning), not to yield an inch, while gentlemen on that side of the house were willing to yield so far. The noble lord, too, who had seemed so concious of the spirit of moderation displayed on that side of the house, and who, under that impression proposed a few words which he thought would be acceptable to them, had repented of his condescension, and withdrawn his amendment. They did not wish, he presumed, that any thing like agreement should seem to prevail; or, they were probably afraid, that he and his friends, from finding themselves so often in a majority, should grow too frisky, and therefore wished to drive them to a division on a question in which they would be left in a great minority. He should not, however, decline what he thought his duty from any consideration of the kind. He had acted with his friends near him when very few in number, and they had, on every occasion where their duty required it, opposed the right hon. gent. In the course of that opposition, he had found that steady adherence to principle and to the interests of the country would, in time, command success. He must, therefore, as the hon. gentlemen would not allow him to agree with them, insist on his own motion. He was happy, however, at all events, in thinking that his agitating the question would have the effect of getting a bill of indemnity introduced.—The question being loudly called for, the gallery was cleared; but no division took place. The previous question was put on each of Mr. Whitbread's resolutions, and carried; after which the following resolution, which had been moved by way of amendment by Mr. Lascelles, was agreed to.—"Resolved, that the measure of advancing 40,000l. to Messrs. Boyd and Co. upon unquestionable securities, which have been regularly discharged, was adopted for the purpose of averting consequences which might have proved highly injurious to the financial and commercial interests of the country; and, although not conformable to law, appeared at the time to be called for by the peculiar exigencies of public affairs."—Mr. Lascelles afterwards obtained leave to bring in a bill of indemnity for the above transaction.—Adjourned.

HOUSE OF LORDS.

Monday, June 17.

[MINUTES.]—The bills upon the table were forwarded in their respective stages; after which their lordships adjourned during pleasure. After a short interval, the house was resumed, when Mr. Alexander brought up from the commons the Irish Paper Duty bill, the Offenders' Amendment bill, the British and Irish Militia Pay and Clothing bills, and the Lottery bills.—It was ordered, on the motion of the lord chancellor, that his majesty's judges be desired to attend on to-morrow se'nnight, in order to deliver their opinions respecting the case of Thellussons and Woodfords.

[Conduct of Judge Fox.]—Lord *Auckland* rose, pursuant to his notice, to bring forward his motion respecting the case of the above judicial character. He called the attention of their lordships to the propositions which he had on different former occasions thought it his duty to submit to the house upon the subject, and which, in general, were negatively decided upon by the house. In consequence of this, and the line of proceeding preferably adopted, their lordships were at the end of four months arrived at the examination of a second witness upon one of the charges at the bar. He continued to think, that the objections he had formerly urged were well founded; and that the power exercised by the house, on these occasions, with reference to the act of settlement, was not rightly exercised. The charge under consideration, their lordships would recollect, was not for corruption, but for words spoken so long ago from this period, as twenty-two months, and, from the period of the first notice being given to the house, it was very near ten months. The principal consideration on which he founded what he should now propose, was the expediency of concluding the proceedings for the present sessions. Their lordships should consider the time of year, and the very advanced period of the sessions: to make any tolerable progress in the investigations, it would take them at least seven or eight hours every day, and even then it would be to no purpose. Under the circumstances of the case, they would not be able to do justice to the parties, nor consequently to the public this session. For his part, he had doubts of being able to attend; but whatever progress they could make would be useless, from the circumstance of the nearly approaching end of the session. He adverted to the great number of witnesses which were to be examined, even on one side of the question; they may go on; but he could not conceive what useful end it could answer. They were further to consider how the investigation must interrupt the regular legislative business of the house. All these inconveniencies and unfavourable considerations might be got rid of, by simply adjourning the further consideration of the case till next session. His lordship concluded by moving, "that the farther proceedings in the investigation of the case of Mr. Justice Fox be adjourned till this day two months."

Lord *Hawkesbury* differed essentially from the noble baron. He thought that many of the positions he had laid down induced the contrary effect; and, with regard to the act of settlement, their proceeding would determine whether that was a dead letter, or whether it could be acted upon; and would shew to the public what could be done under it. With regard to the noble baron's immediate proposition, he could not see upon what possible principle it was founded. For, let them ask themselves, would such a line of conduct be consistent with those regards which are due to the considerations of justice? with what was due to the individual accused? with what was due to the petitioners? with what was due to the public? And, after having proceeded so far with the case, they should now do that which would in a manner quash, and put an end to the investigation. It would be contrary to all those duties he had stated; and they were imperiously called upon to proceed, and to come to some determination upon the issue of the business. He contended, it was their bounden duty to proceed with the investigation without delay. However short the period of the session might be, it was their duty to proceed as long as they could, and to make as considerable a progress as they could, in the course of the present session. With respect to the bill he had on a former day mentioned as his intention to bring in, he was more and more convinced of the convenience and expediency of it. Their proceeding as far as they could, would evidently tend to the convenience of several individuals who might be finally examined that session, and released from further trouble and expense. It was, he repeated, the duty of the house, steadily and perseveringly to pursue the investigation to the end. He could see no solid reason which could be adduced against such a legislative measure as he intended to propose, namely, a bill for continuing the proceeding from session to session. With a reference to the act of settlement, and the general principles of the law itself, they were bound to come to some conclusion upon the present case; he therefore trusted, their lordships would resist a motion, which, in principle, would tend to put an end to the proceedings altogether.

The Earl of *Carnarvon*, though he seemed to admit a great deal might be urged on the other side of the question, yet, upon the whole, was inclined to concur in supporting the motion. With respect to the noble secretary's intended bill, he observed, that its passing into a law would not altogether depend upon that house.

Lord *Auckland* observed, that if the noble secretary of state brought in a bill of the nature of that to which he had alluded, according to all precedent, the investigation must be discontinued during the progress of the bill through both houses of parliament. In the present state of public business he supposed it would take at least three weeks to pass such a bill, and it could not be expected that the session would last longer than four weeks. All the advantage, therefore, that would be gained, would, at the most, be about four days for the examination of witnesses.

The *Lord Chancellor* declined going into a general argument upon certain considerations connected with the subject, and adverted to by some of the noble lords; but, in reference to what was thrown out, as to the approaching period of the session, he would say, that even if they could make no more progress than four days examination, he thought it would undeniably be a gross injustice to Mr. Justice Fox, if they neglected to secure to him so much of a further examination. The two witnesses, Mr. Armstrong and Mr. Galbraith, it would be recollected, had only been examined in chief. The very least they could do would be to secure the benefit of their examination to Mr. Justice Fox. Even as the case stood, a very desirable progress might be made this session, were their lordships to set earnestly to the business: were they to come down, suppose about one o'clock, and to give six or seven hours per day for a few days to the investigation, a considerable progress might be made; but at least, he repeated, let them, on the principles of common justice, secure the cross-examination of the witnesses to whom he had alluded.

The question was then put, and lord Auckland's motion was negatived without a division. His lordship afterwards entered the following Protest on the journals.

Dissentient.—1. Because the proceedings in question are grounded on allegations, some of which amount to a charge of crime and misdemeanor; and it is clearly contrary to the laws and statutes of this realm, that any accusation or complaint containing a charge of crime and misdemeanor, can originally be preferred in this house, or be entertained by the house, except in matters of privilege; and I am not satisfied that the clause of the act of settlement respecting the removal of the judges from their offices, in consequence of the joint address of the two houses of parliament, meant or can be construed to take the judges from the general protection of the law of the land, in order to place them in a situation of disadvantage and dependance, which does not effect any other individuals, or any other class of men. 2. Because, if our jurisdiction in this case could be established, still I should object to matters alleged in the proposed address, which are for words said to have been spoken almost two years ago, of which no notice was taken by the parties concerned till ten months afterwards, and respecting which the evidence, after such a lapse of time, is now to be received. It appears to me, that such a proceeding is contrary to the general analogy of law, and more especially objectionable as affecting a judge who may be exposed to invidious considerations in the discharge of his duties. 3. Because the judge who is the object of the proposed address, has already been subjected to great delays in this inquiry, and to a most distressing expense, in consequence of the course of proceeding first adopted by this house, and since desisted from on better consideration. 4. Because the expense of such an investigation at our bar must, both in the present and future cases, produce the inevitable ruin of the judges who may be brought to answer, whether they shall be guilty or innocent of the act of misconduct alleged against them. 5. Because, if this proceeding were not questionable as to law, justice, and expediency, still it is objectionable at this late period of the session, when the attendance of many peers must be withdrawn to other public duties; and when it is impossible that the enquiry can be brought to a conclusion; and when the result can only serve to send back the judge to the exercise of his judicial functions laden and prejudiced by a mass of printed evidence taken against him, and respecting which he will not have had the means of making his defence. (Signed) Auckland.

[Teush's Divorce Bill.]—The order of the day respecting this bill being read, counsel and evidence in support of the same were called to the bar. After the counsel had withdrawn,

The Bishop of *St. Asaph* rose: he observed, the question before their lordships was one of great and peculiar importance.

That house was more especially the guardians of the public morals; and against these, nothing, he conceived, could be more detrimental than the frequency of divorces; he was, therefore, upon all occasions, unwilling to concur in them; and, he thought, however hard the case might press upon a few individuals, it would, on the whole, be better if no bill of the kind were ever passed. With respect to the present case, he must say, it exhibited an instance of the grossest infidelity; it was not a single act from a sudden impulse of the passions, but a deliberate abandonment of a well-deserving woman, and a taking of a strumpet to his arms, in which he persevered many years. However, to consider the subject on general, and on public grounds, there might be something peculiarly strong and striking in a case of this kind, to induce the legislature to assent to the prayer of the petition. The case of Mrs. Addison, referred to by the learned counsel, was one totally distinct from that under consideration. In that case it was really a moral impossibility that the parties could come together; as it was proved that the husband had an adulterous intercourse with his wife's own sister. Nay, farther, the wife herself would be guilty of incest, if she returned to her husband. There was nothing of that kind to induce a moral impossibility in the present case—nothing but a strong degree of inference. They could not, consistly with a most important duty, consent to relieve the petitioner in the way proposed. However, he had to observe, he could not understand how the lady's circumstances could be improved by a dissolution of the marriage, which would involve a loss of the alimony. Upon the whole, the learned prelate's opinion of the case was such, as to induce him to move, that, instead of "now," "the bill should be read a second time that day three months."

The Earl of *Carnarvon* expressed his dissent from the opinion of the learned prelate, that their lordships passing such a bill as that under consideration would operate injuriously upon the public morals. Neither was he aware of any law, or any rule of that house, which precluded a woman from addressing the legislature, and obtaining relief, as well as a man, if the particular merits of the case entitled her to it. He thought the circumstances of the case under consideration ought to induce their lordships to assent to the bill. He would ask the rev. prelate, whether it was necessary to the public morals, that the husband to the lady in question should be suffered to do every thing that could disgrace her, and deprive her of the comforts of life? Whether it was necessary, for the sake of good morals, that the lady should be driven to seek relief at the door of a profligate, who had robbed her of her husband's affections, and diminished his means of maintaining her. After dwelling shortly on these topics, with some degree of warmth and feeling, his lordship proceeded to the consideration of certain canonical laws, and ecclesiastical regulations, which bore upon the subject, particularly a canon of the year 1603, which he argued was not binding upon the laity, nor upon the clergy, farther than they thought proper, and that divorces were permitted by the divine law. He then recurred to the subject of the bill, and adverted to the reduced circumstances of the lady's husband, which must affect the payment of the alimony, and argued for the passing of the bill, which would enable the petitioner to seperate herself from an unworthy husband. He was not apprehensive of the bill's getting a dangerous precedent, as every case would naturally rest upon its own particular merits, and be decided upon by their lordships accordingly.

Lord *Hawkesbury* concurred with the rev. prelate, in a great deal of what he said upon the general subject. He observed, that no precedent whatever obtained, of a bill being granted upon the application of a woman, except in the case of Mrs. Addison, the circumstances of which were not in the least applicable to the present case. In the one instance, a reconciliation between the parties was totally out of the question; in the present, it was merely improbable. A material distinction appeared throughout. But the general question involved considerations which were to be contemplated with a reference to their effects upon society; a distinct rule and principle, with respect to such cases, hitherto obtained: were this to be broken in upon, it would be difficult in future cases to draw the line. The very good nature of some individual peers would induce them to grant, without sufficient discrimination, that which, in the views he referred to, would eventually be detrimental and injurious.

Lord *Auckland* made a few general observations in favour of what fell from the rev. prelate, and the noble secretary of state. It was a point upon which he seemed to have made up his mind, and he particularly adverted to the serious importance of the question, with reference to its setting a precedent for future applications.

The *Lord Chancellor* adverted to what he had stated on a former evening, namely, his prehension, that he should feel it his painful duty to give a negative to the farther progress of the bill, unless the counsel in support of the measure could alter the opinion he then entertained, and that he thought the best way of giving notice on the occasion. With respect to the particular case, he never recollected to hear a more favourable representation given of any woman. But. yet, on those general grounds of public morality, which had been so ably adverted to by those noble lords who had preceded him, he must proceed with respect to his assent to the bill. With regard to the case of Mrs. Addison, which had been referred to, it was as distinct from that under consideration, as any case could be, and yet, even that case, in its effects without doors, had produced considerable mischief, as any of their lordships would perceive, should they take the trouble to look at certain trials. With respect to particular parts of the allegations on the part of the petitioner, there were still open different modes of redress distinct from that of divorce, and which could be recurred to. As to the question before the house, upon those great and leading principles to which he had referred, and the conviction he felt as to the probable, nay almost certain injurious effects of trenching upon them, he felt it his painful duty to give a negative to the original motion.—The house then divided; when there appeared for the bishop of St. Asaph's amendment 10—Against it 7—Majority 3.—Adjourned.

HOUSE OF COMMONS.

Monday, June 17.

[MINUTES.]—The Bark Preservation bill passed through a committee. — Mr. Giles brought in a bill for extending the provisions of the Bank Note Forgery Prevention bill to all parts of the united kingdom. Read a first time, to be read a second to-morrow. —Lord. W. Russell presented a petition from certain inhabitants of Camberwell, in favour of the Camberwell Water Works bill. Ordered to lie on the table. Also a petition from certain persons whose names were thereunto subscribed, against the bill for making a Road under the River Thames. Referred to the committee on the bill, and he petitioners ordered to be heard by their counsel against the said bill.—Lord Grenville brought up the report of the committee appointed to draw up an answer to so much of the message of their lordships of Friday, as relates to the request of the house, that lord Sidmouth and earls Buckinghamshire and St.Vincent, be permitted to attend the committee on the Eleventh Report. Ordered to lie on the table.—Sir W. Scott, pursuant to notice, moved for and obtained leave to bring in a bill to amend an act of the 1st of Geo. I. for augmenting the maintenance of the Poor Clergy.—Mr. Tierney moved the order of the day for the further consideration of the report on the Camberwell Water Works bill. He stated at some length the grounds upon which the measure was founded, and the motives that had induced him to call the attention of the house so often and so particularly to it. He concluded by moving, that the bill be re-committed. The motion was opposed by Mr. Fonblanque. A short conversation succeeded, in which sir G. Hill, lord W. Russell, and Mr. Rose, took a part, when a division took place for the re-commitment 41, against it 16, majority 25.—Colonel Crauford expressed some unwillingness to delay any further his intended motion on the State of the Army; but as many of the papers would not be ready early enough for to-morrow, and there was no other day open this week, he felt himself under the necessity of putting it off till Monday.—Mr. Sturgess Bourne gave notice, that his right hon. friend, now absent (the chancellor of the exchequer), intended to make a motion in the committee of Ways and Means on Wednesday, for the appropriation of the surplus of the Consolidated Fund on the 5th of April last.—Mr. Grey said, there would be five millions to be appropriated for the surplus of the Consolidated Fund of this year, unless it was applied to the purposes of continental subsidy. He wished to know whether the notice had any relation to this? Mr. S. Bourne said, his notice related only to the surplus of the last year.—The Prize bill, and the Commissioners of Taxes' bill was read a third time and passed. The Corn Laws Amendment bill was read a second time. The Land-Tax Redemption Regulation bill, and the Irish Civil List bill were read a second time and ordered to be committed for to-morrow.

[IRISH COMMISSIONERS OF COMPENSATIONS.]—Sir *John Newport* offered to the house some observations on the motion of which he had given notice respecting two boards of commissioners at present sitting in Ireland; the one appointed by the acts of the 38th, 39th, and 40th of his majesty, for examining the claims of the loyalists who suffered during the rebellion of 1798, and the other for investigating the cases of those who claimed compensation in consequence of the union. With respect to the former commission, he contended, that the object for which they were appointed had been completed; the claims of those who suffered had been investigated and decided upon, and therefore the public ought to be relieved from the expense of paying the commissioners. He should therefore submit a resolution to that effect. The other board, for investigating the claims of those who had suffered by the union, had also had ample time to finish their labours; they had so little business before them for some time past, that they only sat on Saturdays, instead of sitting from day to day. It was true, that great numbers of claims had been laid before them for their consideration, but some of them were of so ridiculous a nature as not to have deserved attention; such, for instance, as that of Mr. Fox, ratcatcher to the board of ordnance, who claimed to be indemnified for lossess sustained by the union. He would not, however, at present propose to put an end to that commission, but he thought some time should be fixed within which they ought to decide upon all the claims before them. He concluded with moving, with respect to the former board, "That it is the opinion of this house, that the objects for which a board of commissioners in Ireland were constituted by the 38th, the 39th, and the 40th of his majesty, that is to say, to hear and determine the claims of compensation due to loyalists suffering in the rebellion of 1798, under a final provision that no claim for compensation should be received after the first day of November 1800, are or ought to have been long since effected, and that the longer continuance of that board, by rendering a further provision for their salaries necessary, would occasion a considerable and useless expenditure of public money."

Mr. *Vansittart* said, he unfortunately was not in the house when the hon. baronet gave notice of his motion, and therefore did not know the day on which it was to be brought forward. He begged leave to state a few circumstances, which, he had no doubt, would convince the house that the Irish government were not inattentive to economy, nor desirous to continue these boards after their labours were completed. With respect to the board for compensating loyalists, he must entirely exculpate the Irish government, and take whatever blame belonged to it on himself, because his predecessor had prepared a bill to put an end to that board before he went out of office. The right hon. gent. said, that his attention having been called to other objects, he had not yet brought it in; but it would speedily be submitted to the house; and he trusted this would be satisfactory to the hon. baronet. With respect to the other board, it appeared that there were claims now before them, some of which were of a recent date, therefor he was not prepared at present to fix the time of their duration; but he admitted that a time ought to be fixed, beyond which no further claims ought to be admitted, and that the board ought to report as soon as possible, and be put an end to. If the hon. baronet would renew his motion on a future day, he hoped that the hon. baronet would find every thing had been done that he could require. Having said thus much, he was anxious that a motion which implied a censure upon the Irish government should not pass. He therefore moved the previous question.

Mr. *Ponsonby* expressed his satisfaction at what had fallen from the right hon. gent., but hoped that the commissioners would in future sit from day to day.

Sir *J. Newport* said, after what had fallen from the right hon. gent. he would not press his first motion. With respect to the other board, he thought they ought now to limit the time within which they ought to report upon all the claims, and he hoped that the right hon. gent. would not think six months too short a period.

Mr. *Vansittart* said, that he had already stated that with respect to the commissioners for suffering loyalists, he meant immediately to submit a motion to the house. With regard to the board he hoped in a short time to receive orders from Ireland which would enable him to lay some proposition before the house.—The previous question was then agreed to.

Sir *John Newport* then moved his second resolution, viz.: "That it is the opinion of this house, that the board of commissioners in Ireland, constituted by the 40th of his majesty, for granting allowances to bodies corporate, and individuals, in respect to representative franchises extinguished by the union, and to make compensation to those persons whose offices may thereby be discontinued or diminished in value, ought within the space of six months from this period, finally to adjudge and determine all such claims as now remain not disposed of, and should be then dissolved, as their longer continuance beyond such period, by rendering necessary a further provision for their salaries and expenses, would occasion a useless expenditure of public money."

Mr. *Corry* defended the conduct of the Irish government, but at the same time expressed his opinion that these boards ought to cease. With regard to the absurdity of some claims, that was not the fault of the commissioners: they were bound to investigate every claim that was brought before them.—The previous question was moved and carried upon this resolution.

[MIDDLESEX ELECTION.]—Mr. *Creevey* rose to move the house to fix a day for the exchange of lists of disputed votes between the petitioning freeholders of Middlesex and Mr. Mainwaring. He argued that the petitioning freeholders stood precisely in the situation, and were entitled to all the rights of the candidate who had declined to prosecute the claims. This, he said, was the intention of the act, the object of which was to prevent collusion between the candidates, to the prejudice of the freeholders. He would propose to fix the exchange of the lists for Thursday or Friday, and the consideration of the petition for some day in the next week.

Mr. *H. Thornton* doubted whether the petitioners were entitled to all the rights that were claimed for them. If they were entitled to come into the place of the candidate, the equity of the case seemed to require that they should come in rather to the situation in which the candidate stood at the time of giving in his declaration of his intention of withdrawing, than to his situation at the time of the presentation of the petition. If collusion was spoken of, he saw more reason, in this instance, to apprehend collusion between the withdrawing candidate and these petitioners, than between the two candidates. Six of the principal petitioners were committee-men of sir Francis Burdett, and the agents were the same that had acted for sir Francis. Mr. Mainwaring had delivered his list to the agents of sir Francis, and sir Francis, on his part, had caused no list to be delivered. Under these circumstances it was evident the petitioners would have an advantage. He conceived, therefore, that a substitution to the extent of the pecuniary rights of the candidate, would only tend to the extension of that delay which had already kept Middlesex three years unrepresented. He could not, therefore, consent to any long delay now, lest it should prevent the decision from taking place within the present session.

Mr. *Creevey* allowed there were appearances of collusion in the circumstances adverted to by the hon. gent. He thought that some delay should be granted, from a regard to the general provisions of the act, and the general rights of petitioners under it; but he was ready to admit that delay should be very little in this case.

The *Attorney-General* agreed in the reasonableness of the arguments of the hon. gent. who spoke last, and the fairness of his admissions. He proposed the exchange of the lists to take place on Wednesday, and the ballot on Friday.—A long conversation ensued, in which Mr. Fox stated that he thought that too short a time. Mr. Mellish represented the advantage given in by Mr. Mainwaring in the notification of the oaths he meant to object to, without receiving any information from the opposite party in return. Mr. Fox considered that the petitioners, if treated bona fide as such, were not bound by any thing done by either of the other parties.—Mr. Sturges Bourne thought the petitioners not entitled to any indulgence of time, as they had held back their petition to the very last moment of the time allowed them by parliament to present it.—Mr. Fox could not admit, that when a certain time was allowed by parliament for any purpose, those to whom it was granted were liable to answer for having availed themselves of it to the full extent. Mr. Mainwaring, the elder, had delayed to the last day on which he could have presented his petition, and nobody arraigned him on that account.—Mr. Wilberforce offered a few observations. The ballot was fixed for Friday, and the exchange of lists for Thursday.—Adjourned.

HOUSE OF LORDS.

Tuesday, June 18.

[MINUTES.]—Pursuant to the order of the day, their lordships resolved into a committee of privileges, and, lord Walsingham having taken the chair, counsel and evidence were further heard, respecting the claim of lady Henry Fitzgerald to the above barony, the duke of Rutland's defence of his title to the same, &c.; after which the farther consideration of the case was deferred till Friday.—The bills upon the table were forwarded in their respective stages. Among these the British and Irish Militia pay and clothing bills, the lottery bill, the Irish Paper Duty, and the Militia Adjutants' bills, were read a second time, and severally ordered to be committed.

[STATE OF IRELAND.]—The order of the day being read:

The Earl of *Suffolk* rose to bring forward his promised motion on the above subject. He prefaced it by a speech of considerable length, in the course of which, he expatiated upon the superior policy and expedience of enquiry on the principle which he was about to recommend; a principle, which was sanctioned by the authority and recommendation of that great statesman and philosopher, lord chancellor Bacon, and to the want of a proper attention to which, was in a great degree to be attributed the loss of our late possessions in North America. He dwelt upon the great importance of Ireland as a component and integral part of the united kingdom, and its peculiar political importance, resulting from its geographical situation, and the various local advantages possessed by that island. This important part of the united kingdom, he was warranted by authority, in saying, was far from being in a tranquil state; this he could fairly infer from various opinions upon the subject, which were given by many noble lords in the course of late important discussions on the catholic question, and more especially from the legislative authority of the two bills passed in the early part of the session, exclusively applicable to Ireland; the one for suspending the habeas corpus act, and the other authorising the exercise of martial law. Politically speaking, therefore, Ireland was not to be regarded as in a tranquil state; and, with respect to its domestic and internal considerations, he trusted he could prove it to be, so far as to lay a ground for his intended motion, in a state, comparatively, of the most deplorable misery. To the present unfortunate situation of Ireland, he observed, various causes contributed, and some of the principal of these he should endeavour to explain to their lordships. In this view, what struck him as one of the most prominent, was the consideration of tithes, which, under the existing regulations, and in the way in which they were collected in Ireland, were to be regarded as an intolerable grievance. Their lordships would recollect, that the great body of the peasantry and the lower class of the people in that country were of the Roman catholic persuasion, in a proportion of at least nine-tenths; these were liable to the payment of tithe, for the maintenance of a church of which they were not members, in addition to what they contributed to the support of the clergy of their own communion, and thus had they, the lower and poorer orders of the people, a peasantry, perhaps the most distressed of any in existence, to pay a double tax. Let their lordships consider the point, and put it to their own feelings; it was what none of them could approve of. In his conclusions on this part of the subject, he was borne out by the opinions of the insurgent chiefs. Doctors M'Nevin and Emmett, on their examination, on being questioned as to the point, said, the Roman catholic peasantry of Ireland did not care a farthing about emancipation; what they wished for was, the abolition of tithes.—He next expatiated on the distressed situation of the Irish peasantry, which he described as greatly aggravated by the present tithe system in that country. It was well known, that the principal food of the Irish peasants was potatoes. For the grounds on which that root was raised, the peasant paid a very high rent; four, five, and, in some cases, even ten pounds a year rent; added to this, the cultivation of the potatoe required a greater proportion of manual labour than any other vegetable, and from those the tithe was rigidly exacted; a grievance, which those combined considerations greatly aggravated. His lordship expatiated a great deal on the salutary consequences, which, he conceived, would result to Ireland, and to the empire at large, from catholic emancipation, and seemed to argue, from a variety of proceedings which took place in Ireland, and from the language held out from various quarters, particularly from the year 1793 to the completion of the measure of union, that the catholics were led to imagine, if they were not promised it in terms, that their constitutional emancipation would be one of the earliest results of the union. That such might in that event safely and beneficially take place, he stated, was the opinion and sentiment of some of the most celebrated statesmen and writers of that nation, who, in general, inculcated such a principle: some of these were referred to by his lordship, as well as the speech of the lord-lieutenant to the Irish parliament in 1793; of which the projected amelioration of the state of the Irish catholics and peasantry formed a leading feature; and the addresses from certain Roman catholic meetings in the counties of Wexford, Waterford, and Cork, with the answer of the then secretary to the lord-lieutenant, lord Castlereagh, were, on the same principle, referred to by his lordship. He continued to expatiate upon the salutary effects which he argued, would attend catholic emancipation, and commented on what he thought the injustice and oppression of continuing the present system with respect to the Irish catholics. He described the wretched and miserable situation of the Irish peasantry as in a great degree owing to these odious and impolitic restraints; referring, as he proceeded, to the opinions of various writers upon the subject, and on the state of Ireland: they were ill clothed, ill fed, and ill lodged; the luxury of shoes, stockings, or meat food, which their country so abundantly produced, was unknown to them. And these he contrasted with the situation of the corresponding classes of the inhabitants of South Britain, where a different system, civil and ecclesiastical, prevailed. He dwelt upon the generous and affectionate dispositions of that peasantry; and, generally speaking, when left to themselves, of their docility and innoffensive demeanour. He lamented the late decision of parliament on the subject of Irish Roman catholic emancipation, and adverted to the fears which seemed to be entertained, in a legislative point of view, of such a measure as groundless and absurd. No serious injury to either church or state could ever be apprehended from the introduction of perhaps seven or eight Irish Roman catholic commoners into a legislative assembly of between six and seven hundred protestants; nor from the circumstance of eleven or twelve catholic peers taking their seats among their lordships. Besides, in that point of view, some degree of restriction may be well interposed; for instance, those who changed their religion from the protestant to the catholic, should not be allowed to sit in parliament. He only threw this out as a general idea. He was a strong advocate for the principles of toleration; genuine Christianity went not to ordain religious establishments in a state; and he panegyrised the system adopted in America with respect to religion, where every denomination of Christians was equal in the eye of the law, and alike eligible to the administrating government; neither were the Irish catholics so well treated as their fellow-subjects of the same persuasion, in other parts of his Majesty's dominions. He adverted particularly to those of Canada, who, forming a great majority of the inhabitants of that part of the empire, had their religion established in their favour; and why, he would ask, was the coronation oath of the sovereign to be held binding, with respect to the catholics of Ireland, and not suffered to affect those of Canada? On the beneficial effects, either in a view of internal or external policy, of the system adopted with respect to Canada; he dwelt shortly, and referred to the authority of certain writers on that subject, which, he argued, bore him out in his conclusion. Another consideration, which, he said, contributed to the miserable situation of the Irish peasantry, to which the present unfortunate state of that country was so greatly owing, was the extreme low prices of labour. This, he observed, was, in many parts of Ireland, not more than five pence per day; though the rents paid for land, were, upon the whole, as high, or rather higher, than those paid in England; and one of the leading expedients which he would recommend to ameliorate the condition of the poor in that country, would be, to raise the prices of labour. With their present wages, it was astonishing how they could protract existence: to many parts of the province of Munster, he understood these observations would particularly apply. Another leading consideration, and which greatly contributed to the present state of Ireland, and the distressed condition of the poor, was the system in general adopted by absentee landlords, and which, in some points of view, though they mostly let their estates at lower rents than others in the first instance, operated as a great grievance; what he principally adverted to was, their practice of letting their lands to what were called "middle men," who usually let them out again to the occupying tenant at exhorbitant rents. This system was equally injurious to the head landlord, and the person who tilled the ground. By absentees he did not mean those noble lords who attended their duty in that house, but great landed proprietors, who rarely, if ever visited Ireland; and he instanced some cases where, by the adoption of a different plan, the occupier of the ground was considerably benefitted in his situation, and the rents of the head landlord at the same time greatly increased; and he also adverted to some proceedings known to himself, which, he contended, evinced the necessity, with a reference to the amelioration of the state of Ireland, of some alterations in that part of the system. All these considerations combined, indeed, and the notorious internal situation of Ireland called for it, shewed the necessity of an enquiry into the real state of that valuable and important part of the united kingdom, in order that government and the legislature may, as far as practicable, ascertain what steps were proper and necessary to be taken for ameliorating the condition of its inhabitants, and the security of that part of the empire. A great majority of the people in that country were, he contended, obviously dissatisfied with their present condition; and, he feared, that the large armed force, which it was found necessary to maintain in Ireland, was not so much for the purpose of repelling invasion, as to suppress insurrection. With a view to obviate every thing unfavourable that might be apprehended, and to lay the ground work of the beneficial results to which he alluded, he would move their lordships, "that an humble address be presented to his majesty, praying that he would be graciously pleased to appoint commissioners to enquire into the present state of that part of the united kingdom called Ireland, and to order that the said commissioners do report the state of each county; and that the same be laid before his majesty and the two houses of parliament."—On the question being put;

The Earl of *Limerick* rose, and observed, that as an Irishman, he must decidedly oppose the motion of the noble earl, as likely to produce great mischiefs. Indeed, for a long time, he should not have supposed the noble earl to have been speaking of Ireland, till, by further attention, and the frequent repetition of the word, he found the noble earl meant to apply his observations to that part of the united kingdom. In the present instance, he assured their lordships he would intrude upon their patience but a very short time; and, first, he would observe, that one of the leading propositions of the noble earl, as he understood its application, would go to deprive the protestant established church of Ireland of its means of support: he alluded to the destruction of tithes. Were their lordships prepared to accede to any proposition that would tend to that? With regard to the noble earl's description of the state of Ireland; with respect to the condition of its peasantry, the low prices of labour, he must have made his calculations upon what was the state of those things a great many years since. He had, from the consideration, whether fortunate or unfortunate, he could not say, of living a great many years in Ireland, much personal and local knowledge in these respects. He could so far controvert his statements. And, with respect to what may be matters of opinions his conclusions were formed from authorities, very different from those referred to by the noble earl. He knew full well and was free to confess, that the situation of Ireland, in many of the parts adverted to, was by no means so favourable as that of this country; nor would they bear a comparison; but for this he would contend, that Ireland had been for many years back, and still continued in a state of progressive improvement and amelioration, and which there was every reason to expect would increase every day: to adopt the measure recommended by the noble earl, therefore, especially when the situation of that country, menaced by invasion, and the empire at large, embarked in an arduous and extensive warfare, was considered, would be impolitic and dangerous in the highest degree. His lordship then shortly adverted to the general nature of the noble earl's address to the house, a great part of which applied to the question of catholic emancipation; a subject which had so recently, so fully, and so temperately been canvassed in that house, and solemnly decided upon by their lordships. On that part of the noble earl's speech, he should not, therefore, offer a single observation. He then adverted to a few of the noble earl's observations respecting the absentee landlords, and particularly to a circumstance introduced into that part of his speech, which, it seemed, admitted a very different inference from that drawn by the noble earl. He apologised to their lordships for this short occupation of their time; for his part he felt it decidedly his duty to oppose the motion.

The Duke of *Norfolk* begged leave to offer a few observations on the subject. With respect to those mischievous effects, which the noble earl, who had last spoke, seemed to apprehend, in case the motion was agreed to, he confessed no such apprehensions presented themselves to his mind. With respect to the important subject of tithes, his grace observed, that finding the law in that respect coeval in this country, with the laws for the conservation of every other kind of property, he considered them as entitled to equal regard. They were the property of the church, to be respected as such, and involved considerations affecting the union of church and state, which, he trusted, would always continue to support each other. With respect to what had been said as arising from the topic of catholic emancipation, he fully agreed that that important subject had been fairly, fully, and cooly discussed by the house, and though he formed one of a comparatively small minority, who thought it was proper their lordships should go into a committee on that subject, yet, he bowed to the decision of the majority of their lordships, and practically must consider such decision as rightly made. Yet he seemed to think that, from those discussions, matter transpired, which tended to shew the expediency of such an enquiry as his noble friend proposed. In some points of view, he disapproved of partial quotations from authors; they required a great portion of the context, in order fully to ascertain the sense of the writer; and one particularly, whom his noble relative had more than once quoted that evening, correctly, no doubt, one with whom he had the happiness and the honour to be long acquainted, the late archdeacon Paley, went on to say, speaking of the subject of tithes, that which, in his mind operated in a different way from what his noble relative seemed to understand it. Adverting to the state of the established religion in Ireland, he observed, there existed, some years ago, that which should induce him to think the superior clergy of that country highly reprehensible. He alluded to the circumstances of many parishes of considerable extent, and which paid all the clerical dues, being not only without a clergyman, but even without a church. He thought the most favourable epoch for redressing many of the grievances adverted to by his noble relative, as affecting Ireland, was the occasion of the adjustment in 1782, when Ireland was relieved from the commercial fetters of this country. A peculiarly favourable opportunity was then presented. With respect to the question before the House, he thought it was one that demanded an opinion from some of his majesty's ministers.

Lord *Hawkesbury* observed, the motion under consideration was one which he should feel it his duty to resist, were it only upon the ground of its being very ill-timed: it also involved considerations, which, under the present circumstances and situation, not only of Ireland, but of the empire at large, would induce him to object to it. With a noble earl, he thought it would be productive at present of mischievous effects. With him, he thought that a great deal of the noble mover's speech was applicable to the question of catholic emancipation; which, with the noble duke, he thought had been most fully, fairly, and temperately considered in that house, as much so as any topic that ever came before parliament; and that being solemnly decided upon, by a large majority, not only of that, but of the other branch of the legislature; he felt it unnecessary to offer a single observation upon all the relevant part of the noble earl's speech. With respect to the important consideration of tithes, on which the noble secretary, in the course of his observations, laid considerable stress; he most cordially agreed with the position of the noble duke, that they constituted property, and that of the most sacred kind. Indeed, the gentlemen alluded to by the noble earl, Messrs. Emmett and M'Nevin, when they were examined on the part of the government of Ireland, seemed to have given their evidence very ingenuously upon that subject; they, after giving their opinions as to the wishes of the Irish peasantry, for the abolition of tithes, went on to admit, that were those abolished, the rents would be immediately raised by the landlords, in a proportionate degree, so that the relevant situation of the peasantry would, so far, remain the same. In fact, to abolish the tithe, would be to rob the clergy; they were their property, and, in the eye of the law, equally sacred with every other description of property. The benefits of them were, in fact, equally experienced, and enjoyed by the land-owners, as it was obvious that these, from the consideration of their lands being liable to tithe, purchased them proportionably at a less rate; and this was a consideration, independent of the political and religious points of view in which the subject may be considered, which should place them, equally with every other species of property, under the protection of the laws, and such he trusted, they would for ever remain. In concluding, his lordship alluded to the very advanced period of the session, and the consequence of their attendance as highly improper for the consideration of a subject of a nature equally general and important, and which branched out into such a variety of interesting details, and which additionally operated upon his mind in inducing him to decide against the motion.

The Earl of *Suffolk* spoke in explanation, and stated that his ideas did not go to the abolition of tithes, which, he agreed, should be considered as the property of the church. He adverted to and enforced some of the propositions he had in the first instance advanced, and referred to the act of Elizabeth, which recognised the principle, and enjoined enquiries of the kind, as we understood his lordship, through the medium of the judges, who were to report the result of their enquiries to the crown, and which he thought it would be well to act upon.—After some farther observations, the question was put, and decided in the negative, without a division.—Adjourned.

HOUSE OF COMMONS.

Tuesday, June 18.

The house was counted by the speaker at four o'clock, when the requisite number of members not being present, it was immediately adjourned till to-morrow.

HOUSE OF LORDS.

Wednesday, June 19.

[MINUTES.]—Lord Glenbervie, accompanied by several members, delivered a message from the commons, purporting, that the committee of that house, on which the permission of their lordships for the attendance of the viscount Sidmouth, and the earl of Buckinghamshire, had been requested, having closed the hearing of evidence, and made their report, the necessity for such attendance, on the part of those noble lords, no longer existed.—Mr. Alexander presented the Seamen's Encouragement bill, and the London Port Improvement bill, which, with several private bills, recently brought up, were severally read a first time.—The bills upon the table were forwarded in their respective stages. Among these the Irish Paper Duty bill, the English and Irish Militia Pay bills, and the Militia Adjutants' bills severally went through committees of the whole house, and the reports were received.—In the committee on the General Turnpike Road bill. The duke of Norfolk objected to one of its leading provisions. By the former act, a moiety of certain monies, levied for offences under the act, was granted to the informer. In the present bill, the whole money was appropriated to the repair of the roads, which would deprive the informer of his principal motive for acting. He, therefore, proposed an amendment, tending to restore the provision of the former act, in that respect. This proposition, not seeming to meet the sense of the committee, was, on the question being put, negatived without a division. The report of the bill was ordered to be received to-morrow.—A petition from sir John Johnstone, bart. claiming the title of marquis of Annandale, &c. was presented, and referred, by their lordships, to the consideration of the committee of privileges.—The house resolved into a committee on Morris' divorce bill, when several amendments were made by the omission of certain clauses.—The stipendiary curates bill went through a committee of the whole house, and was ordered to be reported to-morrow.

[CONDUCT OF JUDGE FOX.]—Lord *Grenville* seeing a noble secretary of state in his place observed, that he rose in consequence of his understanding the noble lord had given notice of his intention to bring in a bill to continue the proceedings in the case of Mr. Justice Fox, until the next session of parliament. He rose to trouble their lordships with a very few observations upon the subject. He was aware he was not perfectly in order, but his sense of the intended proceeding was so strong, that he seized the first opportunity he had of saying a few words upon it. The proposed measure, in his opinion, would tend to a material alteration of the whole frame and constitution of the parliament of this country. He hoped full time would be allowed for the consideration of a question of such great importance; a question of no less moment, than whether they should now, for the first time since parliament existed, enact by a law, that the king should not have the power by his prerogative of putting an end to motions, discussions, and bills, which might be pending in both houses of parliament. As far as he had been able to inform himself upon the subject, there was no instance upon record of continuing from session to session, bills, or the deliberative proceedings of the legislature. His lordship adverted to a solemn decision, which had been given with respect to the point by both houses, on a particular occasion. With respect to election committees, where the proceedings were continued, the case was quite different, as such made a separate tribunal, the proceedings of which were within itself, and were so constituted by a special law, and for a particular purpose. He concluded by again expressing his hope, that full notice would be given of the intended discussion of a measure of such great and peculiar importance.

Lord *Hawkesbury* observed, that no proceeding should obtain with respect to the subject adverted to by the noble baron, which would indicate any intention on his part of taking the house by surprise. He was, however, rather obliged to the noble lord for giving his general opinion at so early a period upon the point, though it was done in a way, perhaps, contrary to the forms of that house. Of the intended discussion, the noble baron might be assured, ample notice should be given. He could not say that he coincided with the opinion thrown out. He saw the point in a different light. It should be recollected, that a great difference existed between a legislative and a judicial proceeding of that house; and he conceived in that view of the subject what he proposed could very properly be done. Added to this, the case was perfectly a novel one, and the house would rather have to form a precedent. With respect to the other house of parliament, a case occurred which, he seemed to think, bore a similitude to what he had suggested: he meant the case of sir Thomas Rumbold, wherein, with reference to a bill of pains and penalties, it was proposed to continue the proceedings. With respect to his intended bill, he should propose shortly to bring it in, have it printed for the perusal and consideration of their lordships, and, with respect to the discussion which might take place on the question for the second reading, the noble lord might depend upon it, that ample notice should be given.

[Message from the King.] — Lord Hawkesbury delivered the following message from his majesty:

" George R.—His majesty thinks proper to acquaint the house of lords, that the communications which have taken place, and are still depending, between his majesty and some of the powers on the continent, have not yet been brought to such a point as to enable his majesty to lay the result of them before the house, or to enter into any further explanation with the French government, consistently with the sentiments expressed by his majesty at the opening of the present session. But his majesty conceives that it may be of essential importance that he should have it in his power to avail himself of any favourable conjuncture for giving effect to such a concert with other powers, as may afford the best means of resisting the inordinate ambition of France, or may be most likely to lead to a termination of the present contest, on grounds consistent with the permanent safety and interests of his majesty's dominions, and the security and independence of Europe. His majesty therefore recommends it to the house of lords to consider of making provision for enabling his majesty to take such measures and enter into such engagements as the exigencies of affairs may require. G. R."

Lord *Hawkesbury* then moved, that his majesty's message be taken into consideration to-morrow. Agreed to.—Adjourned.

HOUSE OF COMMONS.

Wednesday, June 19.

[Minutes.]—Sir J. B. Warren brought up the report of the committee, to whom the petition of the trustees of the Naval Asylum was referred. Ordered to lie on the table, to be printed, and to be taken into consideration by a committee of the whole house on Friday next.—On the motion of lord Glenbervie, it was ordered, that a message should be sent to the lords, acquainting their lordships, that the select committee on the eleventh report of the commissioners of naval enquiry having closed their examinations, the commons no longer thought it necessary to desire the attendance of the lord president of the council, the earl St. Vincent, and the earl of Buckinghamshire.—The Bank Forgery bill was read a second time, ordered to be committed on Tuesday, and in the mean time to be printed.—The London Port Improvement bill was read a third time, and passed.—Serjeant Best moved the second reading of the Members of Parliament Bankrupt bill. Sir W. Lemon conceiving that the bill was of great importance, hoped the learned gentleman would not press it through the house the present session. The bill was then read a second time, and ordered to be committed on Tuesday.—The London Fish Bounty Amendment act was read a third time and passed.—Mr. Long brought up the report of the committee to whom the petition of the trustees of the British Museum was referred, stating, that in their opinion, the purchase of the late Mr. Townley's collection of antiques, was an object of great national importance, and that the sum required of 20,000l. was a moderate price for the same. Ordered to lie on the table, and to be printed.—On the motion of Mr. Bankes, it was ordered that such part of the report of the committee on the petition from the trustees of the British Museum, as related to the additions making to that building, for the reception of antiques, &c. be referred to a committee.—The house went into a committee on the Irish Compensation acts, in which Mr. Vansittart stated his intention to bring in a bill obliging the commissioners to advertise a certain day of limitation beyond which no claim should be attended. The House having resumed, the report was received, and Mr. Vansittart obtained leave to bring in a bill accordingly.—Mr. Rose brought in a bill for repealing the duties on woollen goods exported to the East Indies, which was read a first time, and ordered to be read a second time to-morrow.—On the motion of Mr. Huskisson, accounts were ordered to be laid before the house, of the amount of Exchequer bills outstanding and unprovided for, on the two loans in 1804, one of eight millions, the other of one million and a half.—Mr. Vansittart brought in the Irish Compensation Limitation bill, which was read a first time, and ordered to be read a second time to-morrow.—Mr. H. Lascelles brought in Mr. Pitt's Indemnity bill, which was read a first time, and ordered to be read a second time to-morrow.—Mr. Long presented an account of the further sums that would be necessary for the erection of a court-house, &c. in the city of Westminster.—The house went into a committee on the American Wool Trade bill; when it resumed, Mr. Rose obtained leave to bring in a bill permitting the exportation of wool from the British plantations in America to the united kingdom.—Mr. Foster brought in a bill for regulating the duties on the imports and exports of Ireland, which was read a first time, and ordered to be printed and to be read a second time on Monday.—The house went into a committee on the Goat Skin act, the report of which was ordered to be received to-morrow.—On the order of the day for the second reading of the Woollen Manufacturers bill, Mr. Brooke intimated his disposition to abandon the bill at present, if he could be assured that a similar one should be brought forward early next session. It was a subject of much consequence, as it kept in suspense a body of above 200,000 men. The chancellor of the exchequer, though he could give no pledge that such a bill should be brought forward, yet assured the hon. gent. that the attention of parliament should certainly be drawn to the subject as early as possible in the next session. After a few words from sir W. Young, the bill was given up.—Colonel Craufurd moved, that there be laid before the house an account of the number of men wanting to complete the regular forces in his majesty's service, cavalry and infantry, on the 1st of May, 1805, distinguishing British troops from foreign, and those enlisted for limited service from those enlisted for unlimited service; as also an abstract of the number of men raised under the additional defence act in Great Britain and Ireland, shewing the number raised on the 1st of Feb. 1805, and the number from that period to the present time. After some doubt expressed by the chancellor of the exchequer whether or not some of these papers could be published, colonel Craufurd's motion was agreed to.—After a short conversation between the secretary at war, general Fitzpatrick, Mr. Fox, and the chancellor of the exchequer, the Militia Officers' bill was read a second time, and ordered to be committed to-morrow.—Ordered, that the house do go into a committee of the whole house to-morrow, to consider the report of the committee on the Pilchard act.—The Barrack Masters' bill was read a third time and passed.—The report of the committee on the Loyalty Loan Bill was received, the amendments were agreed to, and the bill was ordered to be read a third time to-morrow.—The University Advowsons bill was ordered to be read a third time on Friday.—Mr. Ward brought in a bill for amending the Act of George the First, relative to the situation of the poorer clergy, which was read a first time, and ordered to be read a second time to-morrow.

[COMMITTEE OF SUPPLY.] — The order of the day for the house resolving itself into a committee of ways and means having been read, it was ordered, on the motion of the chancellor of the exchequer, that the public estimates and accounts be referred to the said committee. On the motion for the speaker's leaving the chair,

Mr. *Fox* asked the right hon. gent. opposite, whether or not he was right in understanding that the sum of five millions to be appropriated to a particular purpose, had been already voted in the committee of supply?

The *Chancellor of the Exchequer* replied, that it was certainly included in the general vote, but that there had been no specific vote on that subject; in fact the specific votes had been kept back from the circumstances of the destination of that sum not having been ascertained. He hoped, however, either to-day or to-morrow to lay before the house a message from his majesty on that subject. An accidental circumstance alone had prevented his not having done so already, but he trusted before the rising of the house he might yet be enabled to communicate it to them.

Mr. *Grey* observed, that when he gave the notice of his motion, which stood for to-morrow, it was because no communication of the kind alluded to by the right hon. gent. had been made to the house; an occurrence which might alter his intention.—The house then went into a committee, in which it was resolved on the motion of the chancellor of the exchequer, that the sum of 4 millions out of the surplus of the consolidated fund, and the sum of £1,192,115 19 11½ out of the surplus of the grants of last year, be granted towards the supply. The house having resumed, the report was ordered to be received to-morrow.

[Duke of Atholl's Claim.]—The order of the day having been read for the house resolving itself into a committee on the report of the committee to whom the petition of the duke of Atholl had been referred, colonel Stanley moved that the speaker do now leave the chair.

Mr. *Frankland* opposed the motion, and expressed his conviction, that a more important subject had never been brought before parliament; not certainly with regard to the magnitude of the immediate object of discussion, but with regard to the danger of the precedent. He was convinced that the friends of the noble duke would essentially serve him, were they to advise him to withdraw his petition, to begin the business de novo, and to give it quite a different direction. Much stress had been laid on the dissatisfaction that was manifested at the period when the royalties of the Isle of Man were sold to the crown of Great Britain by the ancestor of the noble duke; but this was the dissatisfaction that naturally arose in men of high minds at being deprived of peculiar privileges; it was unconnected with any pecuniary idea, and he was persuaded, that had 700,000l. been the purchase money instead of 70,000l. that dissatisfaction would still have been displayed. The noble duke himself, in his early applications to parliament on this subject, had not hinted at any inadequacy in the pecuniary compensation. He had merely asserted his right to various little vestiges of princely power, and having been defeated in his attempts to procure these in the courts of law, he had brought forward his claims in parliament, but it was not until several applications had been successfully resisted that, in 1790, the idea of pleading inadequacy in point of pecuniary compensation first occurred to the noble duke, after an interval of 25 years from the conclusion of the original bargain. The hon. gent. entered into a history of the proceedings of the commissioners and of the privy council on the duke's claims, and contended that his grace's supplementary petition was meant to surprise those who were unacquainted with the merits of the case into an acquiescence with his wishes. Nothing could be more absurd than the arguments that had been urged by the friends of the noble duke, that the British parliament had no power to bind the Isle of Man. It was by an act of parliament alone that his grace had any right whatever in the island. Without that act he would have been excluded from it. The circumstances attending the negociation of the sale between the crown and the ancestor of the noble duke had been most open and honourable. With regard to the assertion, that the value of the revenues had increased, he was willing to admit it; but why had they increased? Because they had been in the hands of the British parliament; because wiser measures had been adopted with regard to them. Had the new system failed, and had the revenues been diminished as much as they have been augmented, would it have been considered fair or honourable to deduct from the price paid for them? Why then should the seller be considered as entitled to a participation in advantages which never would have accrued had the island remained in the possession of him or his family? In his opinion the compensation already awarded was more than equivalent to the object gained. If more, however, must yet be granted, as British funds had benefited from the circumstance, from British funds the additional remuneration ought unquestionably to proceed.

Mr. *Rose* observed, that the duke of Atholl, confessedly deprived of rights for which no sum could be an adequate compensation, came to the house for the restoration of several rights, which, when granted, could be no loss to the public. He failed in this; but although no pecuniary compensation was at first thought of, yet, when it was found that the right was sold at a quarter of its value, it was perfectly open to the noble duke to bring forward the present claim. The bargain had been precipitately concluded. If it had been deliberately made, as was usual in such cases, something might indeed be founded upon it, in opposition to any further compensation. But when the noble duke's ancestor was told by the first legal authority of that day (lord Mansfield), that if he did not accept what was offered he would have nothing at all, was that a way to conclude a bargain, or were the rights voluntarily yielded? An hon. gent. had said, that parliament always had the right to legislate for the island. It certainly, however, had no such thing. The hon. gent. had quoted several acts in proof of his opinions. The fact was, that these acts only referred to the security of the country against any illegal and injurious proceedings that might be carried on in that island. He had quoted the act of the 7th of James I. to prove that the island was not independent of parliament. But, what said lord Coke? though it was not entirely a dictum of his, but the opinion of the other judges. They all said, that parliament had not a right to legislate for the island; but that some special provisions might extend to it. For instance, parliament had a right to take care that it should do nothing to injure this country. But then it was urged, that the act of parliament settled the succession to it. Undoubtedly it was so far dependent on the crown, and parliament also settled the succession to the crown of Scotland in the same way. Mr. Rose then adverted to the several acts relative to the island since the time of George I. One in particular had been mentioned by the attorney-general, in his opinion given on this subject, to prove that parliament had legislated for the Isle of Man. This was stated by him as an act to prevent the exportation of any goods from the island but its own produce. The truth was, however, that the object of the act was only to prevent the exportation of any goods to this country except its own produce. The hon. gent. had said that this was a title without emolument, and mentioned, that in 1700 it was only 100l. per annum, which had been gradually increasing till in 1793 the revenue was 1500l. per annum. What did this shew, but that the revenue was in a rapid state of improvement? It was surely proper that, in making a bargain on this subject, it should be considered not only what the revenue was at the time, but what it was likely to become. The right of the noble duke's ancestor to the royalty of the island was clear, and for all the rights which he possessed, he only received 70,000l. without reference to any account. Mr. Grenville, urged by the revenue board, had taken 5000l. per annum, and that increasing too, from the individual, and only paid 70,000l. which was no adequate compensation even in a pecuniary view. Mr. Rose then defended the duke of Athol from the charge of delay and contrivance in this case. The hon. gent. had said that as parliament gave, it might take away. Suppose it had given away a freehold estate, could it take it again? Yet this was as complete a private right as any freehold estate. The way of dealing here had been very extraordinary, and different from what took place in other cases. Some said, that no pecuniary compensation should be granted for rights of this sort. All he would say was, that parliament had in several instances decided otherwise. It was cruel to say, that after a bargain had been concluded, in a case of this sort, where there was a total misapprehension of the value of the article, and a great reluctance on one side, a door should not be left open for further consideration. They said, that parliament could take measures to cut down these rights. But it had no right to take such measures. There was a surplus revenue from the island, and from this the compensation was proposed to be paid. It was said that the noble duke was anxious to have the sovereignty restored. He had heard nothing of this, but he was anxious to have a fair compensation for his pecuniary loss, and to this he was entitled on every principle of justice and equity.

Sir *William Young*, having taken an active part in the discussion on a petition presented from the inhabitants of Man about twenty years ago to the house, thought he could furnish the house with some lights on the subject. That petition stated, that one half of those who were formerly engaged in the contraband trade had emigrated to America, and the other half had resorted to the fishery for support. Of thirty-two thousand inhabitants which the island contained, there were three thousand employed on the seas, being a greater number of able-bodied men in proportion to the population of the island, than any other part of the united empire afforded for his majesty's navy. The ancestor of the duke of Atholl had farmed the revenue of the island to a merchant of Liverpool for one thousand pounds a year, and the duke had no right to claim additional compensation in consequence of the increase of that revenue under the fostering care of the British legislature, and from the influence of the laws, the liberty, and the constitution of this country. The whole revenue of the island had been the year before last 11,683l.; the expenses of salaries, &c. was 4,942l. the amount of bounties on the exportation of herrings was 4001l. to which was to be added 2,000l. the amount of bounties with-held on red herrings exported to the Mediterranean, a considerable branch of the trade of the island; thus the expenditure would be 10,943l. out of a revenue of 11,683l. It was not right, therefore, to put the duke of Atholl in a situation that would make it his interest to subtract from the bounties for the encouragement of the fishery, in order to render the surplus of the revenue adequate to his compensation. If any compensation was to be given, which he had not argued, it ought to be given from the public purse.

Mr. *D. Giddy* followed on the same side, and argued, that the compensation, if any ought to be granted, (the contrary to which he maintained,) should be granted from the public purse. If it was in consequence of the public advantages derived from the transaction, that the compensation was demanded, it was but just the public should pay. If a pension were to be given to any individual for public services, it would be unjust to make a particular parish supply the income.

Mr. *Kinnaird* supported the claim of the noble duke. He observed that the objections to that claim had been directed rather against the manner than the matter of it. Gentlemen treated this as a hardship on the inhabitants of the Isle of Man; that was no more matter of objection than the practice of granting to persons in this country pensions upon the Irish establishment; a practice which was common, and not objected to. He thought the former bargain between government and the duke of Atholl in 1765, when seventy thousand pounds were allowed, extremely hard upon the noble duke. In point of fact, the whole revenue of the island was his sole property, and he was the sole legislator also of the island, at least he possessed absolute power over the revenue, and he had a right to the enjoyment of the whole of its surplus, as much as our sovereign had to his civil list, all of which the duke gave up; nor had the present noble duke the means of resisting the hard bargain made in 1765, he had therefore a claim on the justice and liberality of the house. As to the opinion which the attorney-general had given on this subject adverse to the claim of the noble duke, it was observable that learned gentleman did not attend to support that opinion, and it was therefore fair to infer he had changed it. With regard to the length of time which had elapsed since the agreement was made; to make use of that as an argument against altering it now, was really the most unjust and pernicious mode of reasoning that could be adopted in parliament; for it was making government say this—we will resist your claim for forty years, and at the end of it tell you that your claim is barred by length of time, and that too in a case in which we are both party and judge! For these and other reasons he supported the motion for entering into an investigation of the claim in a committee of the whole house.

Mr. *Johnstone* felt it extremely unpleasant to oppose the claims of an individual so distinguished as the noble duke, but he had a paramount duty to perform. He never voted away any of the money of the public, but under circumstances in which he would consent to give away his own. In this case, upon a full view of it, he did not think himself justified in assenting to, on the contrary, he thought himself called upon to oppose the claim of the noble duke.

Mr. *Harrison* was averse to the granting any thing further by way of compensation to the noble duke, on the ground that it had been settled forty years ago, and that the opinions of the law officers of the crown were decidedly against the claim of the noble duke. He thought the long lapse of time since the bargain an argument against the claim, otherwise no bargain made for the public was secure. The money paid for the island had been laid out in lands in Scotland, and the increase of emolument upon it must be much greater than the increase of the revenue of the island.

Lord *Henniker* thought the house had a right at all times to correct errors as they appeared, let them be of ever so long standing; and under all the circumstances, he did in his conscience think the duke of Atholl entitled to compensation; as to the amount, that was a matter to be settled by the committee.

Sir *R. Williams* thought the compensation very ample at the time, and was decidedly against any further compensation whatever.

Mr. *Windham* wished to record his sentiments upon the subject. The burthen of proof was on those who supported this claim. He contended that there was no compulsion upon the duke of Atholl to assent to the terms he agreed to in the year 1765. Not a word was heard against this bargain for twenty-five years together, therefore there was no presumption that it was improperly made. It was said, that if the duke of Atholl had not taken what was offered to him by government, he would have had nothing; true, but then he would have had his estate, for he was not bound to part from it, as the proprietors of estates, houses, &c. were obliged to do in the case of every road or canal bill, your wet docks and the like, where the commissioners said, we must have your property at all events, and you shall have for it only what we offer, or what a jury will give you, but the property you shall not keep. The noble duke might have kept his; there was therefore no compulsion. He did not say the sum given was equivalent for the regalities and honours which belonged to the duke of Atholl, but if he chose to barter them for money, he should not afterwards fix a higher pecuniary value on them. That money was the object was clear, for the noble duke did not say, give back my titles and my honours, but give more money, therefore he did not see that the house ought to feel any sympathy with the noble duke for the aristocracy of this case, for it was a mere question of pecuniary consideration: and as to the value of the revenues of the Isle of Man, the answer was, that the prosperity of the island was what parliament itself had created by its laws and regulations; and now it was asked of parliament to grant to the duke of Athol a sum of money on account of the prosperity which they had themselves procured to the country. He considered the opinion of the attorney-general, as given in the report of that learned gentleman, of great weight in this case, as hostile to the claim of the noble duke; it must be taken for granted that the learned gentleman retained that opinion, at least the house had some reason to lament he did not attend to support his former opinion, or to announce his conversion. He thought that if this claim was granted, there would be no end of applications to parliament on this subject, because the principle would be established, that the duke of Atholl's family had a right to compensation in proportion as the prosperity of the Isle of Man increased; so it would be for ever growing with our growth, strengthening with our strength. He related a story of a man and a cat tied at each end of a rope, and thrown into the water, and it was said that the aversion of the cat to that element was such, that her exertions being proportionate to her aversion, she kept herself above it, and the man below it. In the present case, the aversion of one party to what was called a bad bargain would create extraordinary exertion, nor could there be wanting some assistants for that purpose, so that the stronger body of the two should be kept under and drawn through the water. He did not say, or mean to insinuate that this matter appeared to those who supported it as a job; if it did, they would not support it, he was assured; but it had that appearance to him.

Mr. *Sheridan* said he had listened with attention to his friends who had opposed the claim of the duke of Atholl, under some apprehension they might change his opinion upon that subject; but instead of doing so, they had each in his turn confirmed him in that opinion. He did not think his right hon. friend (Mr. Windham) had enriched his speech that night so much as he usually did by lively sallies of wit and sprightly eloquence. He did not think much of the story of the cat tied at one end of the rope, and the man at the other, unless for the mere pun on the Isle of Man; it reminded him, however, of the exertions of his hon. friends with regard to their pulling at the end of the rope against the claim of the noble duke, for it certainly was "a long pull, a strong pull, and a pull all together." He suspected, indeed, from the manner in which his hon. friends had opposed this claim, that they had not given themselves the trouble of reading it; which remined him of a learned friend of his, who was once attorney-general, although he usually voted on the opposition side of the house, who had spoken to him of the peace after the American war, and reprobated it in the most severe manner. "What do you think of the 7th article? Have you read that?" said I. "No." said he, "I do not think that any part of it is fit to be read." So here his hon. friends did not think the claim of the duke of Athol was fit to be read, otherwise it was to him manifest they would not oppose it as they did. He considered the letters of Mr. Hammersley and of the late duke of Atholl, as conclusive evidence that seventy thousand pounds was not then considered as a sufficient compensation. In his letter to lord Mansfield, requesting his lordship's advice, he sent a detailed estimate of the losses at six hundred and twenty thousand pounds. It could not be presumed that he would have sent such estimate, if it had been evidently and most ridiculously over the value. Neither did lord Mansfield appear to consider it so. As to the value of the royalties, it should be recollected at what a very high rate the heritable jurisdictions in Scotland were purchased up. Near one hundred and fifty thousand pounds had been given to purchase tha which in income did not exceed eight hundred pounds per annum, and at that time the duke of Argyle received twenty-one thousand pounds, for what did not really bring in money more than twenty-eight pounds per annum. The duke had not let his claims sleep in silence, but had urged them to parliament in several bills that had been proposed since the revestment. Upon the whole, so far from considering it to be (as some gentlemen termed it) an infamous and scandalous job, he considered it a claim that rested on strict justice, and was supported by the clearest evidence; he therefore felt it his duty, as a member of that house, to support it.

Mr. *Wilberforce* begged the house seriously to consider that the present demand was not so much upon the revenues of the Isle of Man, as upon the consolidated fund of Great-Britain and the money of their constituents. He ridiculed the estimate of 620,000l. sent in by the late duke of Atholl, and said it would seem as if his grace had considered the sovereignty of the Isle of Man as something nearly equivalent in value to the crown of Poland, which was estimated at a million in the following lines,

> "The crown of Poland, venal twice an age,
> "To just a million stinted modest Gage."

He then read extracts of letters from both the duke and duchess of Atholl (the duchess being the heiress of the island) in which they both consider seventy thousand pounds as a full equivalent for what they were going to lose. He positively denied that any committee had as yet reported in favour of the duke's claim, and he thought if it was now granted, it would be a precedent to that family to come again at a future time, and demand still farther compensation.

Mr. *Barham* thought it extremely improper to give the name of an infamous job to a measure that any considerable number of members in that house might think it their duty to support. If even the charge was consistent with truth, it was language not consistent with good manners He then entered into the consideration of the claim of his grace, which he stronlgy supported.

Mr. *Curwen* replied to the different arguments that had been advanced in favour of the motion; after which the house being very loud for the question, a division took place: Ayes 95, Noes 38—Majority in favour of the claim, 57.

[MESSAGE FROM THE KING.]—The Chancellor of the Exchequer brought down a message from his majesty, for which see the proceedings of the house of lords. As soon as the message was read from the chair, the right hon. gent. gave notice, that he should move on Friday next, that his majesty's most gracious message be referred to a committee of supply, not imagining that on that day it would provoke much debate, as the subject matter of the message was likely to occupy much of the next day's discussion.

Mr. *Fox* was ready to allow that much of what the message referred to might very likely come under discussion the next day, but not so entirely and distinctly as when the right hon. gent. intended more immediately to submit it to the consideration of the house. It was therefore his opinion, that the more proper moment for entering into a discussion of the message, would be on the motion that the speaker do leave the chair.—Adjourned.

HOUSE OF LORDS.

Thursday, June 20.

[MINUTES]—Counsel were further heard in the committee of privilege relative to the claim of sir Cecil Bishop to the Barony of Zouch.—Strangers were then excluded for some time, during which some bills were brought up from the commons. After our re-admission, the Lottery bill, the Militia Pay and Clothing bill, the Militia Adjutant's bill, the Militia Subaltern's bill, and some other bills, were read a third time and passed; as was also the Irish Commissioner's bill, after a few observations from the earl of Suffolk relative to the Barrack Department in Ireland and this country.—The Turnpike Act Amendment bill was also read a third time and passed, after leaving out, on the motion of the duke of Norfolk, the clause which gave the whole penalty to be applied to the repairs of the road.—The earl of Suffolk presented a petition from the churchwardens and inhabitants of St. Pancras against the St. Pancras Poor bil, but in consequence of some informality it was withdrawn, for the purpose of being presented again to-morrow.

[HIS MAJESTY'S MESSAGE.]—The order of the day being moved for taking his majesty's most gracious message into consideration, which, as well as the message in question, (see p. 447) being read,

Lord *Mulgrave* said, that with respect to the address which he should have the honour of moving on the occasion of his majesty's message, he felt it unnecessary, at least in the first instance, to trouble their lordships with any observations. The address he should propose did not tend to pledge the house to any specific line of proceeding, beyond that which he was confident every one of their lordships would wish to adopt on the occasion. The address, merely founded on the message, would speak for itself, and to its substance, he thought no objection could possibly be made. At the same time, he wished, in case any objection should be made, it might be understood he was at liberty to offer some observations to their lordships upon the subject. The noble secretary then moved an address to the following effect: "to return the thanks of the house to his majesty for his most gracious communication; and to assure his majesty, that the house would readily concur in enabling his majesty to take due advantage of such opportunities as may occur, and to fulfil such engagements as the exigencies of affairs may require."—On the question being put:"

The Earl of *Carysfort* rose and said, that the question then before the house involved those propositions, on which it had been his intention to have troubled their lordships with his sentiments. In observing upon the proceeding of yesterday, and the question under consideration that evening, he should have to call their lordships' attention to the communication from the throne at the opening of the session, the proceedings adopted in consequence, and the degree of confident expectation which these communications necessarily excited. The question now before their lordships, notwithstanding the way in which the noble secretary seemed to treat it, was one of great and peculiar importance. He thought he was authoritatively founded, in asserting that the vote of credit, to which the message and the address evidently referred, was to a greater extent than any proposed in similar circumstances, that ever appeared upon the records of parliament. He was authorised to say, because it was publicly spoken of, that the provision intended to be made, for enabling his majesty's ministers to pursue whatever line of conduct they should think proper, was no less than the enormous sum of five millions; an amount equal to the whole revenue of many of the potentates of the first rank in Europe. At a proceeding of this kind, he was perfectly astonished. He would ask upon what grounds ministers could expect so immense a sum to be confided to their disposal, without any knowledge on the part of parliament of any particular object they had in contemplation; or without any intimation whatever being given, as to the political views to which their advice to his majesty was to be directed? He was astonished how the noble secretary of state could imagine it possible that such a proceeding could be passed over in silence in that house. In their capacity of hereditary counsellors of the crown, it was impossible they could so far forget all the duties they owed to their sovereign, as to remain silent on so extraordinary an occasion. They could not, under such a circumstance, forbear to exercise that general superintendance over all the great concerns of the state, which was constitutionally vested in them; particularly with reference to an important crisis in the history of the country, induced by the improvident advice of those whom his majesty had called to his councils; of those who had hitherto given no probable ground of hope that the affairs of the country would be brought to a favourable or happy issue. He had to condemn the general system adopted by ministers with respect to communications to parliament on the state of political affairs: the advice of that great council of the nation should be frequently taken, and communications, containing true information respecting the state of public affairs, ought frequently to be made. If a line of conduct, founded upon that principle, had been pursued, they would not now have to lament that the country was without a single ally upon the continent of Europe, and that ministers, with respect to forming a connexion with foreign powers, had been for more than six months perfectly inactive. If a different line of conduct from that adopted by his majesty's ministers, had been followed, they should not now have to fear the effects of the preponderating power and influence of France. They would see that foreign powers, instead of resisting our solicitations, and instead of keeping aloof, would court alliance and connexion with Great Britain, and even themselves propose to confederate with it, in order to secure a lasting peace to Europe, founded on the security and independence of every nation in it. But the steps taken of late years, on the part of this country, were such as tended to produce effects diametrically opposite; they had a tendency even to shake the confidence of foreign powers in the conduct of Great Britain, and certainly to overturn that wise and vigorous system of our ancestors with respect to their foreign policy. In discussing this important part of the subject, he called their lordships' attention to the late treaty of peace, in consequence of which this country was entirely left by itself, solely dependant on its own strength, and under continual apprehension of invasion by a continental enemy. That measure, and the correspondent line of conduct pursued by his majesty's ministers, reduced this country to the necessity of maintaining a large internal military force, and entailed a great additional burthen upon the people. It was impossible that we could long act upon such a system; it was incompatible with the interests or security of a country whose prosperity so much depended upon its commerce and the freedom of its constitution.—With respect to the occasion to which he had recently adverted (the treaty of Amiens), it was with satisfaction he reflected that he had concurred with some other noble lords, in declaring at that time his convictions relative to that inauspicious measure, and of those consequences which must, of necessity, result from it; and their lordships could not but recollect, that when the definitive treaty was under consideration, the ministers were not only distinctly warned of the consequences of the measure, but advised to adopt a specific line of conduct, by which that spirit of encroachment, which, even at that very time, was manifested by France, might be counteracted and those pledges retained, by which the enemy might be compelled, on their parts, to a due execution of the treaty. Unfortunately for the country, ministers then thought proper to disregard those warnings, and preferred to act in such a way, as if the situation of Europe and the conduct of France, were not such as must not render it necessary again to recur to force. The measure to which he adverted, could not be called a treaty of peace; it was, in point of fact, a mere suspension of arms. The country was again plunged in war, and it was a duty imposed upon that house to enquire with respect to the system of conducting it; and to consider the probabilities under that system, of its being brought to a safe and favourable issue. In this view of the question, they would have to compare the present situation of the country with that in which it stood at the commencement of the war. We were then masters of every sea in the world, the united naval force of Europe could not act with effect against us. We had a force sufficient, as was stated by ministers, amply sufficient for the defence of the country, and they even boasted, that they had collected in arms, a body of men, constituting a military force, superior to that of any country in the world; that its numbers, of all descriptions, exceeded eight hundred thousand men in arms. Let their lordships contrast that with the present state of the country, and it would be seen what a use ministers made of such extraordinary powers. With a naval force exceeding in number seven hundred ships, the enemy's marine not only received no blow, but they were able to continue, without interruption, all their preparations for the invasion of the country. In every respect were the enemy now superior to us, not only in a military, but in a naval point of view, and the country had reason this moment to tremble for the safety of its foreign possessions, particularly its western possessions; and the security of its trading ships not so much depended on the superiority of its marine as on the favourable effects of chance, and the apparent hope existed of a renewal of those continental connexions, on which the interests and security of Great Britain and Europe reciprocally depended. Their lordships had no information whether the negotiations with Russia, or with any other continental power, were with a view to hostile operations, nor even whether any proofs of a pacific disposition appeared on the part of the enemy; but merely that the sovereign did not think himself enabled to make a communication on the subject to the house. These serious and important considerations, he thought, called for explanation on the part of ministers. Their conduct in these instances, was widely different from that adopted by our ancestors; and, illustrating this, his lordship particularly referred to the communications made to parliament, at and subsequent to the period of forming the grand alliance against France in the reign of William III. Some of these, with the answers, particularly of the commons, were quoted by his lordship, who frequently advised the crown as to the preferable line of conduct to be pursued. The happy and beneficial effects of such a mode of proceeding was, he contended, sufficiently apparent. Let their lordships, on the present occasion, follow these great and patriotic examples of their ancestors. Let them shew, by every means in their power, by their language, and by their actions, their firm determination to give every support to his majesty, but in such a way as may be most conducive to the great ends they all had in view. Let them shew their determination to secure the full benefits of the invaluable constitution of the country. Let them remember, that the king of the united kingdom of Great Britain and Ireland was placed in a different situation from that of other potentates in Europe. Let the general sense, spirit, and wishes of his people be expressed to him, by their constitutional organ, the parliament. On these principles, and under the convictions by which he was impressed, he would beg leave to suggest an amendment, the ultimate object of which, however, was, that of the proposed address; it would go to give his majesty the highest assurances of the fullest support of that house; that they would not merely concur in a vote for a limited sum, but assure him of their full and cordial assistance, in enabling his majesty to make the best advantage of any opportunity that might arise. He should therefore move to amend the motion for the address, by leaving out a part of it, as originally proposed, and inserting, instead thereof, a declaration of the house to the above effect; the concluding part of which included a request in purport, "that his majesty would be graciously pleased not to prorogue his parliament, until his majesty should be enabled to communicate more fully the state of his negotiations with foreign powers, &c."—On this the question being put;

Lord *Mulgrave* rose, and begged permission of the house to offer a few observations; he was not disposed to enter into a discussion of the far greater number of the considerations adverted to by the noble earl who proposed the amendment, as he was totally at a loss to conceive how most of the observations made by him could apply to the question before the house. So far from that question involving any thing tending to separate this country from its connexions with the continent, that principle was expressly recognised, and a disposition on the part of his majesty to uphold that system of connexion; inasmuch as the intimate connexion between the interests and prosperity of his dominions, with the security and independence of Europe, was expressed in terms. A great part of the noble earl's speech, however, turned on questions, respecting the application of the powers of the country, its means of defence and offence, and the alleged unfitness of his majesty's present ministers to administer those means and powers, with honour to his majesty, or with safety and advantage to his dominions. And, on those questions, as arising out of the noble earl's speech, he begged leave to offer a few remarks.—First, with respect to the state of our military defence, the exertions of government, for the last sixteen months, were such as, he was confident, would give satisfaction to the house. Those, he was sure, never had been exceeded, under similar circumstances, in any country whatever. Within that period no less than 37,000 men had been added to the disposable force of the country. So that at this moment our disposable force was at least one hundred and nineteen thousand men. With respect to the provision made for the defence of our colonial possessions, no less than seventeen thousand men had been dispatched for their security. The relative naval force of this country, compared with that of the enemy, was every way superior. The number of ships actually in commission was no less than ninety-one sail of the line. These were actually in service. The total amount of the enemy's naval force, from the best information they could collect, did not exceed eighty-three ships of the line, including Dutch, Spanish, and French. In addition to our ships of the line, we had in service twelve fifty gun ships. Of that description of force, added to our ships of the line, we had a decided superiority, in point of number, of at least twenty ships. We had still a greater proportion of frigates. With this aggregate force, we had every where a clear and decided superiority; and, until very lately, the whole of the enemy's naval force was closely blocked up in their ports. On this point, their lordships would of course consider the impossibility of any government counting upon that which depended on no human foresight or power—their inability to anticipate or to prevent the changes and fluctuations of winds and weather, and on which these kind of naval operations absolutely depended. From the moment they heard of the escape of a part of the enemy's naval force from their ports, not an instant was lost in sending detachments in pursuit of them. Under such circumstances, it would be equally impossible for any government to obtain accurate information, as to the destination of squadrons which had so escaped. But he could fully assure their lordships, that under these circumstances, every possible precaution had been taken on the part of government to counteract and defeat the operations and efforts of the enemy. With respect to the state of the negotiations in question, he had to observe, that their actual state rendered it improper to make a communication to parliament upon them. In the amendment proposed by the noble earl, a request was made to his majesty that parliament should not be prorogued until such communications should be made to the house. With regard to this, he would ask on what ground such a requisition was made? Did such a practice obtain on former occasions? Did it take place at any period of the late extensive and eventful warfare? Certainly not. With respect to the particular object to which the address more immediately referred, it was the uniform practice in all the late wars, to come to a vote of credit similar to that now proposed, to enable government to take advantage of such contingent circumstances as might arise, during the recess of parliament. Under the existing circumstances, the sovereign had not been able to make a direct communication on the topics adverted to by parliament. He would submit to the house, whether it was either constitutional or consistent with the practice of parliament, to interfere with the progress of negotiations, the conduct of which was, by the constitution, exclusively in the crown. His majesty would be advised by his confidential servants and ministers, when such a communication could properly be made; and he would therefore put it to the house, whether at the present moment, and under the existing circumstances, they would not put the same degree of confidence in ministers, which on similar occasions, they had formerly done?—After the noble secretary had concluded, a pause for two or three minutes took place, and no peer shewed a disposition to speak. At length,

Lord *Hawkesbury* rose and observed, that he felt it his duty, on the present occasion, to second, by every argument in his power, what had fallen from his noble colleague. Without entering into a minute detail of the objections of the noble earl, he could not allow certain of his allusions to pass without making some observations upon them. First, upon the expediency and advantage of continental connexions, upon which point so much had been said, no peer in that house, he believed, entertained the smallest difference of opinion. Ministers always found it the interest of the country, and always felt it their duty to attend to the relative state of the continent, and endeavoured to preserve that degree of connexion with foreign powers, which it was of the utmost importance to the interests of the country to keep up. That this principle was steadily kept in view, and duly asserted, he could refer to the discussions which took place on the late preliminary and definitive treaties of peace. But, he must observe, long before these treaties, that the fate of the continent had been decided—he alluded to the provisions of the treaty of Luneville. After that measure, with a view to our own particular interest, and even to the relative situations of the powers on the continent, it was thought more expedient to husband our resources, than to continue the struggle alone, in which, if this country had persisted, it would be necessary to have engaged single handed with the enemy, without first trying the experiment of peace. He would state distinctly, that the principles upon which the treaty of Amiens proceeded, were not only those which were best for the interests of this country, but for those of the continent of Europe. Ever since that period, he contended there was no opportunity lost whatever, of forming a beneficial connexion with foreign powers; but the circumstances under which, and the reasons why such endeavours did not succeed, formed entirely distinct questions; but the object had been constantly pursued, and no ground existed for imputing blame in that respect to the conduct of his majesty's government.—The question now before their lordships might be resolved into a narrow compass. In the opinion of his majesty, considering the season of the year, and the state of the public, it was proper speedily to put an end to the session of parliament. In this view, the usual vote of credit was proposed, and which, in due course, would come before their lordships to be decided on. But it seemed the objections were made not so much for what the message did contain, as for what it did not contain. However, in point of fact, there was nothing in the address which at all militated against those principles which the noble lord so strongly asserted; nor did it go to pledge them to any more than what the house recognised, and by its vote repeatedly sanctioned. Indeed, both the message and the address grew actually out of the speech delivered by his majesty, on the first day of the present session, and from the corresponding address voted by the house—they were, therefore, not called upon to acquiesce under any principles, but those they admitted on the first day of the session; in illustration of which, the noble secretary read a part of the address alluded to, and which particularly referred to the passing communications between his majesty and the emperor of Russia. The negociations which subsequently took place had not yet been brought to that point in which his majesty could make a regular parliamentary communication. Was there any thing in that consideration not arising out of the constitution of this country, or out of the practice of parliament? Did it imply blame to government, because the state of negociations was not laid before parliament before they had come to some result? He did not mean to deny there might exist some particular cases where it might be the duty of parliament to call for the state of negociations while pending. But, he believed, it was the generally understood practice of the house, more especially of late years, and generally admitted, that to communicate negociations while pending would be to frustrate their objects; to render them productive of no real benefit; and lastly, to exonerate ministers from that responsibility which otherwise they would bear. The question before the house was by no means one of principle, it was solely a question of discretion: under a principle generally admitted, they might surely decide upon that which might be fitting the interests of the country, without waiting for the issue of negociations; more especially on a question not involving any principle, but merely its application. Under all the circumstances of the case, he could see no solid reason whatever for adopting the amendment. The address, as his noble friend had well stated, pledged the house to nothing, but what they all concurred in, namely, to support his majesty; and even that did not pledge them in one point beyond their address on the first day of the session. He saw no good ground for voting for the amendment; therefore he should resist its adoption.

The Earl of *Carlisle* said, the amendment proposed by his noble friend was of so simple a nature, that he thought there could be no hesitation in agreeing to it, as it merely proposed to ask his majesty to suffer parliament to continue sitting for some time longer, in order that they might have the information constitutionally given to them of the result of the negociations with the continental powers. This was, he conceived, in many views of the subject, to be considered as the right mode of acting. It could not be supposed for a moment that he could be so absurd as to require information relative to the negociation whilst it was depending; all he wished was, that instead of being prorogued, parliament might be allowed to adjourn, in order that a communication of the result of the negociation now depending, might be made to it as soon as possible after such information had been received. It was well known to what purposes information upon similar subjects might be turned in this country, and it was therefore highly desirable, in that point of view, that the information upon this subject, when received, should be communicated to parliament and the public with all possible dispatch. The state of Ireland also was another material consideration, although, thank God, nothing serious had followed the agitation of the catholic claims. If the amendment of his noble friend was agreed to, there would then also be no necessity for the bill which the noble secretary of state had signified his intention to bring in, and which, perhaps, might not pass the house of commons, for continuing the effect of the proceedings relative to Mr. Justice Fox to the next session, as they might then be continued by adjournment, without the necessity of any bill of that nature. The amendment proposed by his noble friend might be a novel measure; but it was called for by the novelty of our situation. He did not mean to impute any blame to ministers, on account of the sailing of the enemy's fleets, but it was unfortunate, and still more so, that we should have no intelligence of their course, and that his majesty's ministers should be entirely ignorant of their destination. He had heard, however, rumours upon this subject, which he hoped the noble lord whom he now saw for the first time in his place, (lord Barham) would contradict. He had heard it rumoured that vessels had been given what was considered as the best cruizing ground, without reference to their stations, when they ought to have been employed in watching the enemy. He hoped, however, that this rumour would be contradicted by the noble lord to whom he had alluded, and declared to be, as very probably it was, entirely destitute of foundation. With respect, however, to what had been stated by the noble lord as to the number of our ships of the line, he believed it would be found that only three additional ships of the line were put into commission during the last year. With respect to the army, he admitted that the drafts from the militia had been of use, but with the exception of this measure, what had been done to augment our army, or increase our disposable force? There was still another reason for agreeing to the amendment of his noble friend, and that was the dissentions which were known to exist in his majesty's cabinet. Instead of being employed in considering how the country was to be extricated from its difficulties, almost the whole time of ministers was known to be taken up in endeavouring to reconcile disputes which were continually taking place. These things were notorious, every person in the street talked of them, he could not meet a person in the street that he new, but he was asked who's in, and who's out?—he could only answer I don't know, but the Rochfort squadron have been out, have done great mischief to our West-India possessions, and have returned home unmolested; the Toulon squadron is out, and gone God knows where, or what mischief it may do. For these reasons he should vote for the amendment of his noble friend.

Earl *Camden* said, he conceived this to be a mere usual proceeding with respect to a vote of credit, nor could he discover any reason for the amendment moved by the noble lord. The two points which had been chiefly insisted upon by the noble lord who moved the amendment, and by the noble lord who had just sat down, related to the army and the navy. With regard to the former he could confirm the statements of his noble friend that since the 5th January 1804, 37,000 men had been added to our disposable force, and that 17,000 men had been sent to defend our foreign possessions. Added to this, our whole effective regular force amounted to 174,899 men, which was 3,000 more than the greatest army we had during the last war; and of these but a small part were limited in their service. With respect to the navy his noble friend was in an error, as instead of 93 there were now 98 ships of the line in actual service, besides twelve 50-gun ships, whilst last year there were only 81. Since last June 170 vessels of different descriptions had been put into commission, whilst 72 had been lost, taken, or broken up as unfit for service, leaving a balance therefore of near one hundred vessels added to the navy of Great-Britain. He gave these details instead of the noble lord who had been called upon by the noble earl who had just sat down, the former having been so short a time in the house. These facts, however, spoke for themselves, as to the exertions of his majesty's ministers; nor could he omit paying a just tribute of applause to the indefatigable exertions of the noble viscount (Melville) who lately quitted the Admiralty, and who had been unceasingly employed during his continuance in office in endeavouring to place the navy upon that footing which the exigencies of the country required. His exertions had been followed up by those of the noble lord now at the head of the Admiralty, whose endeavours were unremittingly directed to the same end. Having made these statements, in answer to the assertion made by noble lords on the other side, he should conclude by expressing his determination to vote against the amendment.

Earl *Darnley* said, he could not agree in the conclusions drawn by the noble lord from his statements, nor in his determination to vote against the amendment. As to the army, after deducting the draughts from the militia, nothing had been done to increase our disposable force, except by means of the additional force act, the only measure of the present administration, calculated for that purpose, and which, when he last addressed their lordships upon the subject, had produced only 300 men. With respect to the number of vessels mentioned by the noble lord to have been added to the navy, he had endeavoured to prove to their lordships upon a former occasion, and he was still of opinion, that many of those which had been purchased were unfit for the purposes of the public service. When, however, he saw the fleets of the enemy sailing in every direction, and ministers unable even to give a guess as to their destination, he thought it impossible that there could be the least hesitation in agreeing to the amendment proposed by the noble lord. The reason also mentioned by the noble lord (Carlisle) as to the disputes and dissensions notoriously known to exist in the cabinet, was with him also a cogent reason for agreeing to the amendment.

The Earl of *Westmoreland* said, he had listened attentively to noble lords on the other side, but he had been unable to discover any reason whatever for the new and extraordinary measure which was now proposed, namely, to interfere with the king's prerogative, by praying his majesty not to prorogue his parliament—and until when did noble lords wish that the session should be be continued? Was it to be continued until they should be pleased to address his majesty to put an end to it, or did they mean that the parliament should continue permanently sitting? Certainly no substantial reason had been alleged for so novel and extraordinary a measure; neither had the measure itself which was proposed, been stated in any intelligible shape. Noble lords had blamed ministers for suffering the enemy's fleets to escape, and upon this subject he expected that a noble friend of his in the blue ribband (earl Spencer) would rise to defend himself. During the period that that noble lord was at the head of the admiralty the Brest fleet came out of port and got to Ireland, without molestation; the Toulon fleet got safe to Egypt, an expedition which gave occasion to the glorious victory gained on that coast; so at this period the enemy's fleets had escaped, but as no blame was imputable to that noble lord when at the head of the admiralty on account of the escape of the enemy's fleets, so no blame was imputable now. Bad weather, false intelligence, and a variety of accidents might contribute to drive off our squadrons, or lead them upon a false chase and permit the escape of the enemy; but the moment that the escape of their fleets was known, squadrons were immediately dispatched after them. It was true the Rochfort squadron had escaped, had gone to the West-Indies, and come back again without molestation; but the circumstances attendant upon this expedition proved the exertions and the care of the ministers for the defence of our foreign possessions. That that squadron could make no impression upon any one of our islands was to be attributed to the excellent state of defence in which ministers had taken care they should be placed. No blame could be imputable to ministers for what was in its nature unavoidable, and which arose from circumstances that could not be controlled. No case whatever had, in his opinion, been made out which could warrant so extraordinary a measure as that now proposed, and, therefore, he should oppose the amendment.

Earl *Spencer* said, he was in entire ignorance with regard to the objects for which so large a vote of credit was wanted, as that which he was authorised to say would be proposed, namely, 5,000,000l.; but it was that very ignorance which induced him to oppose the motion for giving a pledge such as that demanded by the noble secretary of state, as he could not place confidence in those ministers by whom it was asked. He declared he had not confidence enough in his majesty's ministers to entrust them with the disposal of this money. The very circumstance of the enemy's fleets having been suffered to sail from their ports, without their destination being known was a sufficient ground why no confidence should be placed in them. On the subject of the navy he must say he did not know where blame lay, and, therefore, he did not impute blame on that account to any individual. With regard to the military force, the country expected a great deal more to have been done in that department than was done. Upon the whole, it was impossible not to feel a strong suspicion that there was no union of sentiment among the members of his majesty's government; and therefore they were for that reason undeserving of confidence. On the ground, therefore, that parliament was in a situation it had never been in before, and that a sum so large as this had never been left to the discretionary disposal of ministers, he would support the amendment of the noble lord, which required nothing more than that the king should not prorogue the parliament, as long as the government stood in need of the advice and assistance of the members of that house, who were the hereditary counsellors of the crown.

Lord *Harrowby* maintained, that the vote proposed was not a novel measure, as had been asserted. In 1799, a subsidy of 800,000l. had been voted to Russia for 45,000 men, who were not at the time agreed for, but only meant as an offer to be made for such an object. There was nothing extraordinary, therefore, in asking the house to enable his majesty to conclude such engagements in the course of the negotiation as should appear necessary; and let the government be what it might, would the house, by with-holding its confidence from that government, and the means of fulfilling its engagements, thus diminish the weight of the country in the estimation of those nations which it was our object to combine with us either in carrying on the war, or in bringing about a secure and permanent peace?

The Earl of *Suffolk* supported the amendment, and, in answer to some observations from the earl of Westmoreland, on the proneness of opposition constantly to condemn the measures of administration, without proposing any of their own, observed, he would not tell the noble lord in the blue ribband what he and his friends would do, but what they would not do. They would not, with such a numerous fleet as ministers boasted, suffer the Rochfort squadron to proceed to the West-Indies, and then to ravage our islands, for six whole weeks, unmolested, and afterwards to return to their own ports in safety. They would not suffer the combined fleets of France, Spain, and Holland, to proceed to sea, upon a distant and unknown destination, without being able to find out that destination. They would not, at a moment when the country was menaced with danger on all hands, refuse a measure of conciliation to the people of Ireland, which would unite the strength and affections of that country for the defence of these islands. They would not suffer the credit and character of this country to sink so low in the estimation of continental nations, as not be able, in a negotiation of six months, to procure a single ally on the continent.

The Earl of *Carnarvon* said, if the proposition now before the house for allowing so large a sum to government, had any shape at all, it was that of its being a subsidy. But nobody knew whether it was a subsidy for peace or for war; for, notwithstanding the professions made from the throne, of intended alliances on the continent, there was not as yet any appearance of a disposition on the part of the powers on the continent to join us in the war. A space of six months had elapsed since that communication, and the public were still in complete ignorance on the subject. The present question was without an example. The house did not know for what purpose ministers wanted the money; whether it was to patch up another miserable peace of Amiens, or to carry on the war. He would now ask the house, whether the public purse was to be given up to men who had misapplied it before? To do so, would be a total breach of trust on the part of the house, which could not be justified in reposing such confidence. He had no opinion whatever of the present administration, as they were now formed, and the house would betray its trust by placing any confidence in them.

Lord *Sidmouth* said, that the view in which he held the subject differed so materially from the opinion expressed by the noble lord who spoke last, and many of those noble lords who supported the amendment, that he must entreat the indulgence of the house, in expressing his opinion, and the reasons upon which he should resist the amendment. The noble lord who had just sat down said, that this address would be a vote of credit; in this description he could not agree: a vote of credit, as far as his parliamentary experience could inform him, was a vote usually passed by the house of commons at the conclusion of each session of parliament, to enable his majesty to raise a sum for the service of the year, over and above the sums already voted on estimates, in case of any unforeseen exigency that might occur. The measure now proposed was not of this description. It was not a vote to raise money for the exigencies of the year on credit, but a motion to empower his majesty to apply a sum already voted in the last year. He had observed, from the votes of the house of commons, to which he believed it was not unparliamentary to refer, that a large sum had been provided by that house upon the estimates of the last year, over and above the actual exigencies of the year, and for the liberty of appropriating which to the probable or eventual exigencies of the present year, the original motion was directed, but which he would admit the house was not bound to allow, unless they thought proper: but if this was not a vote of credit properly so called, it was a proof of the anxiety of his majesty's ministers to solicit the assent of the house for the leave of application in a way which they conceived most respectful to parliament. It was to vest the money at the disposal of his majesty for the exigencies that might become eventually necessary for the service of the year; the manner was not, perhaps, formally recognised. It was not, however, unusual or inconsistent with parliamentary usage, to pass votes of credit, without any communication as to those objects which were expressly stated to be casual and unforeseen in the estimates for the general service of the year. But government not being enabled to make any specific or definitive communication on the subject of the pending negotiations; and his majesty's ministers not foreseeing any immediate likelihood of making such a communication, before the usual time when parliament was prorogued; it was deemed right to make the application for leave to apply this sum, without waiting for an uncertain conclusion to the negotiations, or keeping the houses of parliament sitting beyond the usual time, under an uncertainty. There was, however, another mode of proceeding to which he did not wish to allude, but to which his majesty's ministers might resort;

namely, to move a committee of supply in the other house of parliament, to refer to that committee his majesty's speech and recent message, and to move that the sum in question be applied by his majesty to the necessary exigencies of the public service in the current year. But the present mode was adopted as more respectful to the dignity of parliament.—The noble lord proceeded to answer several of the arguments urged against his majesty's ministers, in the course of the debate. He did not mean to go into a discussion of the arguments objected to the motion of the noble lord, (lord Mulgrave). The noble lord who opened this debate, had said, that the negotiation should be carried on with a large and extended view to continental connexion; and the noble lord had made strong allusions to the subject of the late peace of Amiens, and had said that his majesty's ministers in concluding that peace had betrayed their continental connexions, and totally forfeited their confidence. The subject of that peace had been so amply discussed already, that he felt it unnecessary to go into the subject now, no farther than to declare, that nothing could be farther from the mind of his majesty's ministers, who concluded that peace, than to betray or undervalue their continental connexions. They advised his majesty to that peace, with a hope that it would afford an opportunity for restoring a secure and permanent peace to Europe, but with a persuasion at the time, that if the ambitious views of France should lead to a revival of the war, we should be enabled, with renewed energies, to recommence hostilities with vigour; and that the continental powers, by an interval of peace, might be enabled to recruit their vigour, and be prepared to co-operate with us, should war become inevitable, and opportunity prove favourable. If the peace had not then been agreed to, we should not now have the important advantage we possessed in the unanimous voice of the people of England in support of that war which they now saw was inevitable, with every disposition and endeavour, on the part of his majesty's government, to avoid it. So that this disposition, to which we were indebted for our security against the menaced attacks of an implacable enemy upon our shores, has proceeded from this reprobated treaty of peace. This was not the only advantage; for besides the physical strength and universal opinion of the country roused in favour of the war, in the short space of 25 months our revenues had increased to double the amount of the interest on the public debt beside such an increase of our public force by sea and land, as never had been equalled at any period of our history, and this within two years of the commencement of the war. The noble lord strongly professed that a friendly intercourse and connexion with continental powers had always formed a leading object of his administration. He contended, with respect to the present motion, that no occasion whatever existed to impede the prorogation of parliament at the usual time, as his majesty was empowered by law to call it together in fourteen days, should occasion require; and concluded by supporting the original motion.

Lord *Holland* supported the amendment; and went into a wide field of attack upon the peace of Amiens, and the ministers, who by concluding it and abandoning continental connexions, had so much excited the disgust and hatred of those powers, and precluded themselves from all confidence, that in six months, with all the exertions of diplomatic intrigue, they were not yet able to negotiate an alliance of friendly intercourse with a single power. The answer of Russia to our communication of the late pacific overtures of France proved that power disposed to peace for itself, and mediation for that of Europe, and, therefore, decidedly averse to the views of his majesty's ministers, who shewed themselves, and not the ruler of France, hostile to the peace of mankind—that a bloody warfare was their object, which disgusted and deterred from the connexion and alliance those continental powers, in whom their conduct had begotten a lassitude for war, and an earnest desire for the maintenance of peace. To such ministers he could give no confidence, and, therefore, he would not place at their disposal the enormous sum of five millions, for objects totally unexplained, and undefined. He thought it absolutely necessary for the parliament to continue at its post, and endeavour to extricate the country from the dangers that surrounded her; a task which ministers were unequal to. When the present administration was formed, he heard of great changes and improvements about to be adopted; but nothing was done except giving the country two "giants refreshed" instead of one. But no one act had been done for the benefit of the country; nothing that could rescue us from our present dreadful situation.

Lord *Grenville* expressed himself by no means surprised that noble lords on the other side had failed to give any thing like a satisfactory answer to arguments which had been adduced in favour of the amendment. They seemed to be conscious that no answer could be given. What, indeed, was the object of the motion of the noble lord opposite? That parliament should shut its eyes and ears to the conduct of ministers; should address his majesty to dismiss them from any farther attendance at present on their duty; and thus that five millions of the public money should be left at the disposal of ministers to expend in any manner which they might choose, without regard to the essential interests of the country. A noble lord had asked if the subject had been communicated by his majesty now for the first time, would he have been for opposing the address? If by this it were meant to be asked, if he would decline coming to the conclusion of at once taking the five millions of money out of the hands of the house, and putting it into the hands of ministers, he had no hesitation in saying, that he certainly would decline coming to any such conclusion. If, on the other hand, the subject were now for the first time started, he must say, that he should be happy to afford every facility for entering into such negotiations as might be calculated to lead to a peace consistent with the safety of this country and the general interests of Europe. Great sacrifices, he was of opinion, should be made to procure the co-operation of continental powers, particularly of Russia. Till he once knew, however, the nature of the communications which had been going forward, and was in some degree made acquainted with the advantages which they might be likely to produce, he did not feel himself at liberty to say that five millions was no more than a recompence for the part that the country was willing to take in the business. As an argument to shew that the amendment was not necessary, it had been observed, that although parliament might be prorogued, it could be assembled again in fourteen days. This he admitted. But did it follow that it actually would be so re-assembled? And was it not better for them to keep the hold which they at present had over this large sum, and not to give it out of their own hands? This was said to be but the usual confidence reposed in ministers, and it was insinuated, that it would be wrong to express any want of confidence. This he was surprised at hearing from the noble lord who advanced it. He had the happiness about a year ago to concur in opinion with that noble lord, that nothing could be so necessary as for that house to express their opinion that no confidence could be placed in the then ministers. The result, he was happy to think, had been a compliance on the part of the king with the opinion expressed by the house; and there had, at the same time, been no symptom of despondency manifested among the people. No confidence was placed in that ministry, because they were not deserving of any. He declared he felt the same to be applicable to the present ministry; they were almost entirely composed of the makers of the peace of Amiens, in which were sown the seeds which gave rise to the present war; seeds sown in so fertile a soil as made it next to impossible that it should not yield the fruit it had produced. There never was a transaction in which so total a want of capacity, and of every qualification, was exhibited, as in the management of that treaty. They threw away the Cape, as if they had been eager to get quit of it; and could he place confidence in men guilty of so enormous a crime? But it was not in the instance of the Cape alone they had shewn their total incapacity; they framed a peace on such complicated terms as rendered the meaning of the different parts of it hardly intelligible? and having done so, they recommenced hostilities on such grounds as made the cause of this country appear unjust in the eyes of almost every foreign power. If there was nothing else this would be to him sufficient ground for not entrusting such unheard-of confidence as that now required in the same hands. The noble lord then proceeded to examine the state of our army and navy; the former, he contended, had been only apparently encreased by a sort of hocus pocus transferring of the forces from one head to another. The latter, he said, could hardly have been diminished, and during the war we had not to boast of a single naval triumph. These surely did not conspire to give us additional confidence in our rulers. But there was another circumstance which had been alluded to, and had received no answer, which, independent of any other, was decisive on this point: was it of no consequence that, at so important a crisis, in which every thing essential to the safety of the country was involved, instead of having a ministry completely alive to the urgency of our situation, we should have a set of ministers completely disunited among themselves, and more anxious to discover and take advantage of the errors of their colleagues than to watch over the operations of the enemy? Yet in such men, without knowing whom in particular, or how long they might continue to act together, was the house called on to repose an extraordinary and unprecedented degree of confidence. His lordship declared, that he thought no time ought to be lost in announcing to the whole of Europe our determination to act on such principles as were calculated for the general safety, and best suited to that broad and liberal policy which would have for its basis the independence and security of the whole of Europe. If we could not procure continental powers on such terms to act with us as allies, our next object ought to be to propose to negotiate before them in open progress, taking them as the umpires of our differences. When satisfied that we were sincere in such a system, we might soon depend on having peace on fair and equitable terms, or a vigorous co-operation in carrying on the war. If there could be any reason for supposing an unwillingness in the powers of the continent to trust in our sincerity, we must look back to the treaty of Amiens for the causes which gave rise to that suspicion. We must look to the persons at the head of our counsels, as being the great authors and causes of that distrust. To give effect to such a declaration, it ought to be the work of parliament, not of any private proposition, originating with the servants of the crown. These, he thought, were reasons any one of them more than sufficient to shew the necessity of the amendment.

The *Lord Chancellor* defended the peace of Amiens, as the foundation of all that patriotic zeal by which the country was now so effectually defended. He asked, if there was more wisdom shewn in the negociations at Lisle than at Amiens? At the time this treaty was made, we had no allies on the continent; we had lost them all during that very administration of which the noble lord who spoke last formed a part. With what justice, then, could that noble lord charge the late administration with having made a treaty by which we lost all continental connexions? The noble lord had gone into an hotch-potch debate upon every topic almost that had been discussed in that house for years past. Instead of so detached, desultory, and irrelevant a mode of proceeding, he wished to have a night set apart for discussing those measures which he had defended before, and would manfully defend again. He thought it very unreasonable to call for the revealment of the whole of the secrets of government pending a negotiation, and not less extraordinary that a whole administration should be censured because the conduct of a part of it had been disapproved. As to the question now before the house, he maintained that government required no greater degree of confidence than had usually been given, and that there was no necessity whatever for continuing the session of parliament beyond the usual period.

The Earl of *Carlisle* explained, that the whole secrets of government were by no means called for: all that was wanted being the necessary information to enable the house to judge of the propriety of the present measures of ministers.

Lord *Grenville* also explained. He did not mean to convey a censure upon the whole of the members of administration; but such of them as had concluded the disadvantageous treaty of Amiens. With respect to the right hon. gent. at the head of administration, he still retained, and he had no doubt always should, the high sentiments he had formerly expressed of his talents and character.

His Royal Highness the *Prince of Wales* said, that he had delayed rising till that late hour, in expectation of the arrival of a noble relative of his, who had been prevented from attending the house by particular circumstances. He rose merely for the purpose of stating, that that noble person had intended to deliver his sentiments on the subject now before the house, in favour of the amendment, and in complete unison with the sentiments so ably delivered by his noble friend (lord Grenville). He had no hesitation also in stating, that those sentiments were entirely similar to what his royal highness himself entertained.

The question was then put, when the house divided on the motion for the address,

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Adjourned at two o'clock on Thursday morning.

HOUSE OF COMMONS.

Thursday, June 20.

[Minutes.] On the motion of Mr. Huskisson, the house went into a committee on the Distillery acts. Resolutions, containing certain new regulations respecting the distillation of spirits in England and Scotland, when intended to be exported from either country to the other, were agreed to. The report was received, and a bill ordered accordingly.—Mr. Peter Moore presented a petition from the clothiers of Yorkshire, Wilts, Somerset, and Gloucester, against the bill now pending for the suspension of penalties affecting their trade. The petitioners were ordered to be heard on the report.—On the motion for the second reading of this bill for the suspension of penalties in the woollen manufacture, Mr. Brooke opposed the bill, on the ground that it gave a monopoly to those who made use of the prohibited machines, under favour of the suspension. Admiral Berkeley defended the bill. He hoped that before the expiration of the short period for which it was to be in force (till 1st May) a full arrangement would be brought forward by his majesty's government. Mr. Peter Moore opposed the bill, which had only the signatures of 83 manufacturers to recommend it, while the number of its opponents amounted to 200,000. The official proceedings, so far as they went, coincided with the bill brought forward by his hon. friend (Mr. Brooke). Mr. Brooke wished to take the sense of the house on the propriety of putting off the further proceedings on this bill till this day three months; but he deferred pressing the division till another day. The bill was read a second time, and ordered to be committed to-morrow.—Mr. Huskisson presented accounts of the exchequer bills outstanding on the aids of the last year, and gave notice that a motion would be made with respect to them in the committee of ways and means to-morrow.—Mr. Foster presented an estimate of the compensation to be granted to persons in public offices in Ireland for 1805, for extra trouble.—The Irish Civil List bill went through a committee, in which there was some conversation between Mr. Vansittart, Mr. Sheridan, and sir John Newport, on a clause subjecting the accounts of the expenditure of sums granted for secret service to the approbation of the lord lieutenant. The clause was agreed to, and the report ordered to be received to-morrow.—Mr. Huskisson presented an account of pensions granted by the crown, and a copy of the warrant of the barons of the exchequer in Scotland, for granting certain arrears of the stewardship of Fife to Lady Melville. Lord Henry Petty gave notice, that he would bring forward some resolutions on this subject early in the ensuing session.—Mr. Alexander brought up the report of the committee of ways and means. Bills were ordered conformably to the resolutions for the appropriation of the surplus of the consolidated fund for the last year.—Mr. Paul deferred till Monday his notice relative to the nabob of Oude. He thought it proper to state particularly that he meant the same day to bring forward a distinct charge against the marquis Wellesley, from the conduct observed towards that prince.

[Impeachment of Lord Melville.]—Mr. *Bond* wished to put a question to the hon. gent. opposite (Mr. Whitbread), the answer to which would probably prevent the necessity of a particular motion. The house having instructed the attorney general to prosecute lord Melville for the criminal matter imputed to him in the tenth report, he conceived it was not in the power of the attorney general to exclude from the range of that prosecution any offence whatsoever contained in that report. If, therefore, it was proper that any particular transactions should be excluded from the prosecution, it was fit the attorney general should be instructed as to such exclusion. There could be now no doubt that the forty thousand pounds, advanced to Boyd and Benfield, was one point on which there could be no intention to prosecute. He was of opinion, that the case of Jellicoe also should be excluded, as not of sufficient importance to be made a ground of charge. But, as he recollected that the hon. gent. opposite (Mr. Whitbread) made it the ground of one of the articles of impeachment which he meant to have presented, he asked that hon. gent. now whether he meant it should make one of the subjects of the prosecution directed by the house? If the hon. gent. did not think it should, and if no intimation of a contrary sentiment came from any other part of the house, he thought that it would be sufficient to let the attorney general know that this also was not to be included in the prosecution.

Mr. *Whitbread* had certainly considered Jellicoe's business as of importance, and had made it one of the grounds of impeachment. He admitted, however, that it did not make the same impression on the house, and therefore he doubted whether he should have produced that article. He had not any wish individually that this matter should be included in the prosecution by the attorney general.

The *Attorney General* trusted he should not shew the slightest disrespect for any individual, if he wished that the house should honour him collectively with its commands, and that these commands should be distinctively expressed. If the house thought proper to supersede that jealousy which seemed constitutionally to belong to it, when one servant of the crown was to be prosecuted by another, he supposed it would at least be thought proper not to leave it matter of question, how far the officer charged with the prosecution should or should not comply with the wishes of the house, in the steps he might take. He trusted, therefore, that it would not be thought improper in him, if he wished, instead of collecting indiscriminately from the whole body of the reports, such matter as might be made the ground of criminal charge, that the house should specify what it thought proper to be prosecuted, and what it did not. He should also be glad to have the authority of the house as to whether the civil suit he had been directed to institute against lord Melville and Mr. Trotter should be wholly suspended, or whether he should endeavour to carry it on against Mr. Trotter singly; he said endeavour, because a considerably formal difficulty and delay would arise from suing the one without the other. He also wished to know whether, if he proceeded civilly against Mr. Trotter, he was at liberty to make use of him as a witness against lord Melville. Also, whether he was at liberty to bring in proof against lord Melville what had fallen from him in that house, at the bar, which he could not do without instructions from the house, though he could be under no difficulty as to its being received in the court where the prosecution was to be carried on. These points he thought it necessary to state to the house, not to argue. He had further to remark a difficulty which arose from the practice newly adopted, of ordering prosecutions to be immediately instituted at the command of the house, rather than by address to his majesty, praying his majesty to direct such a prosecution to be instituted. Under the former practice, if any difficulty should arise on any points, and he should find instruction necessary, the course was to report the difficulty to the secretary of state, and the government would give its instructions in consequence. If the difficulties suggested should appear to confine the prosecution within too narrow limits, it was probable a message would be brought down to the house in consequence of the occurrence, and the house would then have an opportunity of learning the particulars, and of judging whether the proceedings in the new form would answer its wishes, or whether a new address should be carried up to enforce a more satisfactory course. This would be a better mode than if he were left alone to collect the matter of the charges, to carry on the proceedings, to acquaint the house of what he had done, and to argue how far he had complied with the wishes of the house. He therefore hoped the house would instruct him more specifically by vote as to what it wished to make matter of particular charge.

Mr. *Bond*, in explanation, said, he had no objection to propose a vote for excluding the matter of Jellicoe, though he thought the simple mode of ascertaining the sense of the house he had already noticed, was sufficient. As to the other difficulties suggested by the attorney general, it would be presumption in him to notice them. He left it to the attorney general, if he should afterwards find these difficulties stand in his way, to make them the subjects of further motions.

Mr. *Whitbread* hoped the house would find a way for the hon. and learned gent. to get out of all the embarrassments with which he found himself surrounded, and enable him to do complete justice between the individual who was the object of his prosecution and the public. His own intention was, if the impeachment had been agreed to, to suspend the civil suit with respect to both lord Melville and Mr. Trotter, and if that was not sufficient to enable Mr. Trotter to be a witness, to bring in a bill of indemnity for him, with a view that the whole system of the navy pay office should be laid open. He should be inclined to think the same course ought still to be adopted; but it rested not with him, but with the hon. gent. who had recommended the mode of proceeding agreed on by the house, to bring in the regulations which were necessary in consequence.

The *Chancellor of the Exchequer* thought enough appeared from what had passed, to shew that it would have been wise in the house to have proceeded with more deliberation. With respect to the matter now before the house, it was impossible his hon. and learned friend could collect the wishes of the house from what fell loosely in the expression of individual opinions. It was not enough to leave out the matter of Jellicoe, leaving the whole remaining matter of the report for the learned gent. to glean out of. It would be proper to exclude, by specific resolutions, such other matter as it was not advisable to prosecute, and to state distinctly by other resolutions what was to be prosecuted. The difficulties with respect to the manner of proceeding also deserved consideration; and he confessed all these things appeared to him to furnish sufficient ground for reconsidering the resolution the house had come to, and for again enquiring whether a prosecution by the attorney general should be adhered to rather than an impeachment. He confessed he was still, after all the consideration he had given to the subject, of opinion, that neither ought to have been resorted to, though, after the decision the house had come to, he must feel much delicacy in declaring such an opinion. Being of this opinion, he had not at the time turned his mind to the consideration of which of the two proposed modes was best, in a prosecution which he disapproved of generally. But the more he reflected on this matter, the more he considered the difficulties that had arisen since, the more he considered what was required by the constitution in general, what was due to the privileges of peers, to the substantial justice to which the party was entitled, and to the delicacy owing to the confidential servants of the crown; the more he considered all these things, the more he was convinced, that the mode which had been adopted was not that which the majority of the house would, on reflexion, think applicable to the proceedings it wished for. He hoped the attention of the house would be called to this matter on an early day, and that those who disapproved of any part of the course lately agreed upon, would then have an opportunity of supporting the most constitutional measure corresponding to the circumstances.

Mr. *Fox* said, he would not now enter into particulars, as the whole matter was to be made the subject of future discussion; but he could not admit the difficulties stated by the attorney-general, as they were insisted upon by the right hon. gent. (the chancellor of the exchequer). In all prosecutions directed by the house, the attorney-general was responsible. If the prosecution was instituted by address, an intermediate responsibility rested upon him; but the attorney-general was not thereby exempted from all responsibility. With respect to the mode of proceeding, he was one of those who approved of the proceeding by impeachment, but though that mode was not approved of, he could not admit that the sense of the house was not fairly taken upon it. The forms of the house admitted an amendment, by omitting all the original motion but the word "that;" he could not help thinking, however, that such amendments were disgraceful to the house. The only distinct parliamentary course was a motion, and an amendment upon it. Nothing was more clear than that this was the proper parliamentary course, though his majesty's ministers had not thought proper to coincide in it. His majesty's ministers, though they then voted against both the modes of prosecution proposed, now did him and his friends the honour to say they would have voted with them in preference. He was glad to hear this even now, but he wished they had thought proper to declare their preference then. The majority was formed of persons some of whom thought one mode preferable, others another, but all agreed that either was desirable rather than no prosecution whatever should take place. This would be the principal subject of the discussion which would take place on another day; but that the attorney-general was not to take upon him the responsibility of the prosecution, or that it might not be put upon him, was what he could not allow. If the mode of impeachment had been adopted, difficulties would have attended that also; and if the plea of difficulties now offered was to be allowed, there was no one prosecution which might not be stopped and abandoned on the same grounds. He wished gentlemen to bear this in mind when they came to consider the right use to be made of the ulterior proceedings; and when gentlemen came to consider what had been resolved upon and what was further to be done, the propriety of departing from a resolution deliberately formed would be a material point of the deliberation, particularly when the reconsideration was suggested by a party which was not friendly to either of the proposed modes of prosecution.

Mr. *Bond* wished here to give notice, that he would the next day move an instruction for excluding the matter of Jellicoe; but, on the suggestion of the chancellor of the exchequer, who thought any motion on the subject likely to involve th greater part of the general question, he deferred his notice till Tuesday.

Mr. *Sheridan* thought the mode of proceeding by the intervention of the secretary of state, not likely to be always attended with all those advantages the attorney-general imputed to it. The secretary of state might be the person under prosecution, and was the attorney-general to communicate with him on a prosecution against himself? for it did not follow that he would be dismissed when a prosecution was ordered against him. Those who were most anxious now to recal the impeachment they before resisted, seconded the difficulties started by the hon. gent. the attorney-general. If the right hon. gent. had joined in supporting the original motion, he would have made it impossible for that to have happened which was now matter of complaint to him, and he would have had the best chance of carrying the point he aimed at, that of preventing all prosecution; because, though they who proposed impeachment were content to vote for the criminal prosecution, on the failure of that, those who brought forward the criminal prosecution would not have voted for the impeachment. The right hon. gent. was therefore guilty of a blunder, as he often was, in not taking part with them in the first instance. If the right hon. gent. had followed this course, the house would not have fallen into the situation in which it now stood; for, of 470 who were present, it appeared now that 420 were of the same opinion, and that a minority of 50 had prescribed to this great majority. But having once come to the resolution of adopting a criminal prosecution, it was now a delicate question to think of recalling that resolution to return to another, in preference to which it had been adopted. This could not be done without running the risk of having no proceeding at all, for the whole of the existing plan should be rescinded before any thing new could be adopted, and it was matter of chance whether any substitution would be made. The house would expose itself to the imputation of fickleness, and it would shake itself in the opinion of the country by abandoning all that had been done in this case, without the certainty of being able to retrieve and recover the good opinion it would have lost.

Mr. *Canning* allowed, that if a minorty of 50 imposed its sentiments on a majority of 420, that was not in itself a reason for recalling the consideration for the purpose of reversing the decision so made. But it was worthy of the consideration of the house, whether, if an opportunity was afforded, it should not reconsider the great constitutional question, whether a man should be tried by his peers or not.

Mr. *Harrison* said, this was the first time since he had had a seat in that house, that he had heard the attorney-general call for instructions, when a prosecution was ordered on points, which he must know better than the house. The house imposed the task on him, and confided on him for the proper management of it; and then he came to the house for a specification of the grounds of charge. If the noble lord was to be prosecuted, it was for the learned gent. to judge what could be proved against him, and how the proof could be brought forward. What was started by the attorney-general, and the other right hon. gent. on the same side, appeared to him but a plan to bring off the criminal from a prosecution directed to be instituted against him. The house had come to a specific resolution that a breach of trust had been committed, and the attorney-general was to prosecute for a gross violation of the law, and a high breach of duty. The attorney-general was the proper person to judge what crimes he would select, and not the house, which had not the same means of judging, as gentlemen were not in general sufficiently conversant with the law.

The *Attorney-General*, in explanation, said it was not with respect to points of law that he wanted instructions; but, as he was to execute the wishes of the house, he trusted he did not depart from his duty in asking some instructions as to those wishes.

Mr. *Bankes* saw no reason for altering the resolution the house had come to; and he conceived that those who formerly pressed a different mode, would now see reason to recommend this. With respect to the propriety of a specification of the criminal matter contained in the report now given generally in charge to the attorney-general, he should reserve himself till the day when that was to be the subject of a distinct discussion.

Mr. *Rose* admitted that there was no instance on the journals of specific instructions to the attorney-general for managing a prosecution; but there was no case on the journals like the present; none of the examples on the journals was so complicated as this.—Mr. Bond's notice of an instruction with respect to Jellicoe's business was fixed for Tuesday.

[State of Public Affairs.]—Mr. *Grey* rose to make his promised motion on the state of public affairs, and spoke, in substance as follows:—I rise, sir, for the purpose of calling the attention of the house to the present most critical state of the country, and in doing so I am not aware that any other apology will be necessary, than what the subject itself will afford. Whether we look to our foreign or our domestic state, whether we fix our view on our colonial establishments, on the situation of our commerce, our finances, of our army or navy, whether we look at the state of the war, and the chance of our state, even in the event of peace, we shall find that on every one of these points, forming in the aggregate the actual state of the empire at large, there is matter of serious consideration, that upon the whole there is room for much anxiety, and that to carry us safe through the present crisis, will demand all the wisdom and energy we possess. To embrace all this variety of subjects in a single discussion, would exceed any abilities, however great; and for me to offer even a slight sketch of them, might seem presumption, were it not that the state of affairs itself so imperiously calls for investigation, and the importance of the interests at stake, renders it the duty of a member of parliament to bring the situation of affairs before the public. It is now two years since the commencement of war, a war in which we are still engaged, undertaken after a short, uncertain interval of unavailing peace. It naturally suggests itself, then, to enquire, what were the grounds on which the war was commenced? what the objects to which it was directed? what the prospects of success with which it is attended? and what the best policy in the conduct of it? The first object which presents itself is the state of our finances, a subject of itself sufficient for more than one day's discussion; upon which, however, I shall enter into no detail, particularly as of late it has been the practice at the end of the session, to lay before the house a statement of the public finances, as they stand at the time, and I hope an able and hon. friend of mine (Mr. Johnstone), who has already distinguished himself in this business, will this year favour the house with a similar exertion of his industry. At the beginning of the war we were assured, that the war could be carried on for several years, without any addition to the capital of the debt, by borrowing no more than was extinguished by the operation of the sinking fund. I at the time doubted the solidity of this promise, and we are now certain that it was fallacious. For three years of the war forty millions have already been borrowed; and an addition of at least thirty millions made to the capital of our debt, beyond what the sinking fund has redeemed. Such is the effect of the war, as to the capital of our debt already; but, when we contemplate the magnitude of our expenditure, when we consider that last year our expense amounted to seventy millions, and that this year, in all probability, it will be more, it is impossible not to see that our finances, though undoubtedly they are still great, and with good management adequate to the greatest objects, must deserve the serious attention of every British statesman. They are in such a situation as to render either prodigal administration, or wanton expense, in the highest degree criminal; and in a comparison of our prospects they strongly remind us that war ought not to be pursued, if peace on fair and honourable terms can be obtained. But, it is not the amount of our extraordinary war expenditure only that must increase. Even were war to cease immediately, our permanent expenditure must be greatly increased. I shall not, I believe, be contradicted, when I say that the whole amount of the interest, &c. of our debt, will be at least thirty millions, and looking at the state of Europe after a peace, it cannot be imagined that we could sit down with a peace establishment of less than forty millions a year. At a time, then, when the amount of the taxes is so great, and when for the first time there appears reason to conclude from their produce, that they have been carried as far as they can go, it is the more necessary to enquire whether war be indispensable. But, leaving this subject, I shall barely allude to the state of the army, because at the beginning of the session that subject was so completely discussed by my right hon. friend (Mr. Windham), and a notice of a motion has been given by an hon. colonel (Craufurd) so well qualified to do it justice. This much, however, I may observe generally, that the necessity of an improvement of our army was last year universally admitted. It was so particularly insisted upon by the present minister, in the shape of a charge against his predecessor, that it cannot now be forgotten or disputed. Yet it has been shewn that any improvement that may have taken place is far short both of what the nation had a right to expect, and of what its situation demanded. The supplementary militia has been reduced, and this measure, as far as it goes, I do not disapprove of; but let it be remembered, that if it gives us any advantage in point of discipline and quality, it adds nothing to our number for home defence. But allowing as much for this as can be claimed, yet, when we compare our whole military force with that of the enemy, with his increasing means, with his uninterrupted exertions, with the menaced attacks upon us, withdrawing our naval protection to foreign stations, we shall be forced to conclude that we have not kept pace with the progress of the foe; that, in comparison with our danger, our means of security have not advanced, and that in reality the country is now less upon an equality with the preparations, and with the means of France, than it was last year when the right hon. gent. so strongly arraigned the imbecility and incapacity of his predecessors in office. It appears from a paper I have before me, that since January 1805, there have been raised four thousand two or three hundred men, by ordinary recruiting. Of these above two thousand have been for regiments at home. It appears, too, that the casualties within that period, to the regiments at home, is within one hundred and seventy of the whole supplies they have received by ordinary recruiting. And if we reckon, as doubtless we may, the casualties of regiments on foreign stations, at least as great as of those at home, it will follow that the army, on the footing it now stands, can with difficulty be kept up by the recruits it receives. The reduction of the militia, which makes no addition to the numbers for home defence, is the only augmentation which the army of the country has obtained in the course of the last year. The whole of this subject will be so much more ably stated by the hon. colonel (Craufurd) who has turned his attention to it, that I shall abstain from any further remarks, contenting myself with saying, that those facts which are within the level of every man's observation, are of themselves sufficient to excite anxiety in so important a branch of our defence.—I proceed now to that which is the grand bulwark of our safety, the navy; and if, as we have seen, there is no cause to congratulate ourselves on the improvement of our finances, or of our army, I fear that the state of the navy will afford little more reason for exultation. Last year at this time we had in commission of the line eighty-eight ships, and at the present moment I understand the number of this class in commission is only ninety-one, being an increase of three since last year. There have been added seven frigates, twenty-two sloops, and fifty gun brigs. The number of seamen voted last year was seventy-eight thousand, and the number actually mustered was above eighty-seven thousand, being above nine thousand more than the vote. What the number now mustered is I cannot say, but I apprehend from the difficulty of manning the ships put in commission, of which I have heard something, that the number now mustered is not greater than that mustered this time twelvemonth. The addition of line of battle ships, and of frigates, we see, is very small, and though that of gun-brigs is larger in the amount, I do not think it adds greatly to our security. I fear, indeed, that the right hon. gent. has been deceived as to the importance of this class of vessels. Compared with the immense number of the enemy, they are nothing; and if our defence were to depend on them, we should be wretched indeed. The improvement of the navy in that class of ships which must constitute our chief defence against every naval attempt of the enemy is by no means satisfactory. It is admitted, indeed, by many on the other side, that our navy is not in the state in which it ought to be; but this they assert as matter of charge against a former board of admiralty. That charge, and the defence of the accused party, forms just ground of enquiry into the facts. For my own part, I profess to be little versed in the subject, but as far as authority goes, and as far as my own investigations can form the ground of my judgment, I am decidedly of opinion, that the system of lord St. Vincent was the best, and that if he had remained in office he would have placed the navy of England in that state of superiority and of power which all friends to the country must desire to see. This, however, I only state incidentally, and after the opposite opinions so strongly advanced, as deserving of examination; and with a view to our situation either for carrying on war with vigour or negotiating with effect, the navy demands the most serious care and attention of the house.—If from these topics we turn to our domestic situation, then indeed there is room for a satisfaction unmingled. Never was there a period when the people were more disposed cheerfully to bear the burden imposed upon them by the circumstances of the times. Never was there loyalty more active and more cordial. Never was the spirit of the whole nation more determined to resist every attack on their independence, and to defend themselves at every hazard. But while we congratulate ourselves on this pleasing picture, we cannot help observing, that the burden of taxes presses hard on many classes; and we ought the more to feel that burdens borne with so much loyalty, should be lightened, if possible; at least, should not be increased without necessity. If we look at Ireland, I hope that there too we shall find ground of satisfaction, for, in part, through the conciliating administration of lord Hardwicke, considerable progress has been made in composing that country. More indeed has been done by the example of the consequences of French aid to those who ever looked with any degree of hope to the effects of French co-operation. If the state of Ireland be not yet so satisfactory as it might be, yet there is reason to hope that the Irish now see the advantage of British connexion, and that they know that what they have to expect from the liberality and the policy of Great Britain, would utterly be lost by French conquest; that by contributing to the injury of their natural friends, by a correspondence with France, they would only be adding themselves to the list of slaves whom France has seduced under her dominion, either in an abject dependence, or totally stripped of their name and existence as a nation. Such reflections and such examples must have wrought a great change in the sentiments even of the disaffected. But still there is room for farther improvement. There is room for that entire cordiality between the two countries, or rather between the different parts of the empire, that instead of being our weakness, Ireland should be one of the chief instruments of our greatness; instead of absorbing a large portion of our military force to preserve tranquillity, she might contribute so large a portion to the active military strength of the state. To me it seems, that while any obstacle remains to the entire satisfaction of the catholic body, in regard to the objects for which they petitioned the legislature, the progress to perfect tranquillity and to complete co-operation must be far short of what it might be. Yet, both by legislative measures, and by those of administration, much may be done. I am satisfied that it is the wish of lord Hardwicke to do every thing that depends upon him, but I fear that on the other side of the channel, as here, they labour under the distraction of a divided government. Lord Hardwicke can never give full effect to his wishes, while the second officer in Ireland is allowed to continue; while the system of the first or second minister of Ireland in this house is so different from that which lord Hardwicke would be disposed to adopt. Much, therefore, as has been done, yet much remains, which a wise administration might accomplish; and Ireland still appears that part of the empire to which it is impossible to look without some anxiety, and without feeling that it merits our utmost vigilance and attention.—As to the state of the war, it will be found to afford as little ground of exultation as any of the topics we have reviewed. The war in India may be thought an exception; but on that branch, as indeed not connected with the war with France, and as already discussed at much detail on a motion of my hon. friend (Mr. Francis), I shall not enlarge. Let us then shortly enquire what has been the effect of the war; what the objects of it, and the chances of their attainment? The general object, independent of the particular causes enumerated at the time, I apprehend to have been the necessity of limiting the aggrandizement and restraining the ambition of France; and some, I believe, went so far as to insist on the necessity of reducing her power. What progress, then, has been made in these objects? Is the power of France reduced? Has any barrier against its increase been obtained? On the contrary, has not Buonaparté placed the iron crown of Italy on his head? Has he not converted Spain from a reluctant tributary into an active and efficient ally? Is not Portugal, because we are unable to defend her, compelled to furnish a subsidy to be employed in the annoyance of her most ancient and most sincere friend? Does not Belgium still continue incorporated with France, and is not Holland entirely under her control? Are not both of them compelled to contribute their exertions for the destruction of this country? Are not their ports filled with preparations for invading us? Is not Hanover occupied by France, and compelled to furnish supplies for the enemies of her lawful sovereign? Are not the Alps, the Pyrenees, the Rhine and the ocean the boundaries of France? And, while her power on the continent seems both extended and consolidated, is there are any prospect of an efficient confederacy to limit her insolence and reduce her power? On the contrary, are not the great powers of the continent averse from any continental war? Does not France occupy Italy and Switzerland, as positions from which to fall upon Austria? Does she not hold Hanover to watch the north of Europe? And while her strength seems thus extended, and her positions so formidable, is there any thing in her internal situation to afford a rational prospect of relief from time or accident? Are her finances ruined, her army mutinous, or her navy dilapidated? But this year we have had no comparisons from the right hon. gent. between the resources and the credit of France and this country; we have heard no assertion that she was on the verge, nay, in the gulf of bankruptcy; or any hope whatever, that from want of means she would be compelled to give up the contest. Even sir Francis D'Ivernois, perservering in his warfare with the French finances, affords us, at least up to the present moment, little room for congratulation. The exposé, some time since presented by the French government to the legislature, asserts, that without new imposts, or extraordinary resources or loans, the war will be maintained by the revenue of thirty millions a year, and that if the war were to last ten years, it would add nothing to the debt of France, while that of England would be increased four milliards. This promise resembles that made by the ministers of this country at the beginning of the war, but I am afraid that hitherto, at least, it has been better kept, since even sir Francis D'Ivernois admits that her contributions in time of war will cover the deficiency in her receipts, and that her domestic revenues and her foreign contributions have covered her expenses. He thinks, indeed, that this must cease, since the supplies from Spain are cut off by the vigorous policy of this government; a policy, however, which I fear this country will have cause to rue, when we see the tribute exchanged for a co-operation so active and so effectual, as appears now to be displayed. That such a country as France, with an active and ingenious population, should be ruined in her finances, while her expenditure is confined within thirty millions sterling, it were the height of absurdity to suppose. If, then, the war were to be a war of finances, and allowing every thing for the superior industry, capital, and commerce of this country, it would be vain to attempt to conquer by that means, while our own expenditure was little short of eighty millions, and that of our opponent but thirty millions, a year. But, if we cannot raise our hopes on the approaching bankruptcy of France, can we calculate upon the state of her army? Are not its numbers complete, its spirit unbroken? Is it not commanded by the most skilful officers? And does it not on every side occupy the most formidable positions? Surely this comparison with our own does not encourage any flattering hope of attaining the objects of the war. Is the state of her navy more consolatory to us? We have added three ships of the line to our navy. France, by extraordinary exertions, has, in the course of last year, added fleets to hers. The navy of France cannot now be estimated at less than forty-eight ships of the line; the Dutch have eleven sail; Spain in all has sixty-one sail; but, allowing a great number to be unfit for service, I believe I am within the mark when I say, that Spain contributes to the navy of France twenty-five ships of the line fit for service. Thus France has in all eighty-three ships of the line at her disposal, being eight less than the force we now have. This disproportion, indeed, is greatly increased, by the superiority of skill and discipline possessed by our seamen. But still we see that France, within so short a space, has made advances towards us altogether unexpected. She has contrived, too, by well combined plans, and through the want of vigour and intelligence in our government, to send to sea considerable expeditions. Occupying large divisions of our fleets in blockades along her whole line of coast, she has equipped armaments that have escaped our vigilance, have gone to our distant colonies, committing depredations, if not to the extent they might have done, depredations highly prejudicial to our interests, and disgraceful to the nation. It certainly is an extraordinary spectacle at the end of two years of a war, undertaken to limit the aggrandizement, and reduce the power of France, and that too under circumstances, particularly as to the naval state of France, peculiarly favourable, that we now see her more powerful than ever on the continent, growing formidable on the ocean, threatening our foreign possessions with a powerful armament; of which though we are ignorant of the destination, we are almost certain that it will go to some quarter where we have not an adequate force to oppose it. The circumstances attending the sailing of the Toulon fleet, and its junction with that of Cadiz, are of themselves sufficiently extraordinary to call for enquiry. The Toulon fleet sailed twice without being met by our fleet in the Mediterranean, which not only shews our want of intelligence, but the want of a convenient station in that sea from which to observe the movements of the enemy, a circumstance, by the way, which may serve to illustrate the importance of Malta, to which, at the beginning of the war, so much was attached. It sailed twice, however, without interruption, and having effected a junction with the Spaniards at Cadiz on the 9th of April, proceeded to sea again. And is it not an extraordinary circumstance, that now, on the 20th of June, we should be ignorant of the destination of so large an armament, which sailed from Cadiz on the 9th of April, to strike a blow at some of our foreign settlements? Indeed, so extraordinary is this affair, that the house ought not to separate till it be investigated. I must add, too, that the conduct of the officer who commanded our fleet off Cadiz when the French appeared, on the face of it calls for enquiry. I do not mean to say that sir John Orde may not be able to justify himself; he certainly was greatly inferior in point of numbers. We trust, on many occasions, to the superiority of our navy under great inequality of numbers, but nothing has more tended to create that excellence, which justifies the confidence, than the sound discretion exercised in the appointment of naval commanders, a discretion on which the public opinion ought to have no inconsiderable weight, because that opinion calls forth the merit it rewards. I do not blame sir John Orde because he instantly put to sea as soon as the French fleet appeared; he was inferior to the enemy doubtless; but there are occasions when high spirit, and a strong feeling of the public cause, will induce men to run great risks for great objects, and it is on such occasions when bold attempts are often crowned with success, or at least find the best consolation for disappointment. The striking fact is, that sir John Orde made a retreat from Cadiz at the moment when a junction was to be effected, from which the most important consequences, and probably great disasters to this country, were likely to ensue. Sir John Orde, however, may be perfectly justifiable, I only say that the affair calls for investigation. The state of his fleet may have been such as to make it improper for him to do that which, with a fleet in suitable order, he would have attempted. I have seen a paper which gives an account of the whole fleet, and of each ship respectively of his fleet. The Glory is stated to have been hurt in her mast, and otherwise out of repair; the Defence was leaky, and is since gone into dock; the Agamemnon was likewise defective in various points, so the Polyphemus and Renown. If this representation be correct, it involves a most serious charge against the admiralty; but why the ships should have wanted water, which might have been had from the coast of Portugal, or from Gibraltar, I am at a loss to say. At any rate, however, why did not sir John Orde leave behind some vessels to watch and to trace the enemy, and to give such information, either to lord Nelson, when he came down the Mediterranean, or to government at home, that the foe might have been pursued with a probability of overtaking him? Why did not sir John Orde, if he thought himself unequal in any manner to engage the enemy, stand away to Ferrol, and, joining that squadron, obstruct the sailing of the enemy's armament, and perhaps defeat it? Or, might he not have taken a middle station, to watch them till joined by some other squadron? These are all very important circumstances; the public expects the elucidation of them; and it is the duty of the house to lead the way in the enquiry. As to the destination of the fleet, Jamaica appears to me the most likely object, and there is a rumour in town, which at least may be true, that it has been attacked. After that, Brazil appears the most probable object, and it is one every way of vast importance: as a military station, it would give the enemy the command of our India trade. We could not blockade Rio Janeiro; and our India fleets must go under a convoy as strong as the enemy on that station might be. As auxiliary to ultimate views in India, it would be of vast consequence, and it would supply ship timber; it would afford immense wealth, and it would affect our interest, by depriving us of the Brazil cotton, so essential in our manufactures. If their object, however, be the East Indies, I shall rejoice, because there I am persuaded, that though they may do considerable injury, they will least affect our permanent interests, and will, in the end, most certainly be overcome; and with such officers as sir Edward Pellew and sir Thomas Trowbridge in that quarter, there would be little chance of their acquiring any ascendency by sea. In every quarter to which they may go, however, they can meet with no force adequate to oppose them, and the question appears to be only this, Where are they likely to do the least damage? If we escape we can ascribe it only to Providence, unless we calculate on the same mismanagement in this that has been conspicuous in their former naval expeditions, which, however, in the present circumstances, is not so likely as on other occasions.—Such, then, is the situation of the war, the war that was to limit the ambition and reduce the power of France. But we have resisted the threatened invason! This appears to me a very futile boast. The invasion was threatened at the beginning of the war, and it is threatened now. If it has not hitherto been attempted, that may be ascribed, not so much to our domestic preparation, as to the superiority of our navy. I, for one, never believed that the invasion would immediately be attempted. It has, in a great measure, answered what probably was its end; it has kept the nation in perpetual alarm, and exposed us to immense expense, without at all advancing the objects of the war, and all the preparations for the design are according to the information in the king's speech, still continued. That one great object of the enemy was to distract our attention, is highly probable; but, if invasion ever was the object, there is no reason whatever to believe that it is abandoned. Whatever Buonaparté's character in other respects may be, we have not seen that as a soldier he is subject to passion; he is not to be incited by taunts, to an attempt for which things are not ready; but if affairs here are conducted as they have been, when our fleets are scattered in pursuit of the enemy, when our troops are dispersed in foreign settlements, that attempt for which the preparations have never been relaxed a moment, may at last be tried; and that Buonaparté sees all these combinations there can be no doubt. The boast of not being invaded, is one of the most idle and absurd which it is possible to conceive.—Thus, sir, I have shewn, from unquestionable facts, that no material improvement has taken place in our military and naval state; that none of the objects of the war have been attained; and that no progress whatever has been made towards them, or is likely in future. In this situation, it is the imperious duty of the house to call upon ministers to give us some rational prospect of pursuing the war with success, or of explaining to us that peace on equitable and honourable terms is not to be obtained.—This leads me to notice the state of our continental alliance, as alluded to in the speech from the throne, in the speeches of the minister, or in other communications. On this head, too, I fear there is nothing on which we can congratulate ourselves. While Buonaparté's power on the continent remains unimpaired, he exercises over his neighbours an influence of policy or intimidation which at present leaves little room to hope for efficient co-operation. At the beginning of the session we were told, "notwithstanding these transactions, so repugnant to every sentiment of moderation and justice, I have recently received a communication from the French government, containing professions of a pacific disposition. I have, in consequence, expressed my earnest desire to embrace the first opportunity of restoring the blessings of peace, on such grounds as may be consistent with the permanent safety and interests of my dominions; but am confident you will agree with me, that those objects are closely connected with the general security of Europe. I have, therefore, not thought it right to enter into any more particular explanation, without previous communication with those powers on the continent with whom I am engaged in confidental intercourse and connexion, with a view to that important object, and especially with the emperor of Russia, who has given the strongest proofs of the wise and dignified sentiments by which he is animated, and of the warm interest he takes in the safety and independence of Europe."—There is no instance, I believe, of the house being thus left so much in the dark, not of the actual state of things, but of the views and objects of government. The former it may be proper to conceal; but of the latter, can it be fit that the house should be ignorant, when the public is to undergo the burdens they may involve? The communications on such subjects during the war have been generally of three kinds: either they state, that peace, through the spirit and ambition of the enemy, is unattainable; or that propositions have been received, but not such as to justify relaxation in the conduct of government, or preparations for the war; or, lastly, they have announced negotiations, the result of which would in due time be laid before parliament. But his majesty's speech merely says, that to an overture, on the face of it fair and open, no answer can be given, because his majesty is engaged in confidential intercourse with other powers. No views whatever of the policy to which that intercourse is directed; no hint, whether it is an intercourse pointing to arrangement for peace or for war, is given. Such was the ignorance of parliament at the opening of the session. From some of the principles stated in another part of the speech, of which I have read an extract, I am so far from dissenting, that I am happy to take this opportunity of expressing my concurrence in them to any fair consequences to which they can be carried. The speech says, that the interest of this country is connected with that of the continent; and that proposition is peculiarly true in the present circumstances of Great-Britain and of Europe. I therefore distinctly avow my assent to this proposition, because without a great and powerful co-operation on the continent there can be no chance of reducing the power of France; and because unless, failing that, the great powers take a part in negotiation in one shape or other, my hope of permanent peace will be much weakened. But, in saying this I must say too, that unless the co-operation of the continental powers be such as to afford a rational prospect of success, it would not be desirable. In that case, too, it appears to me that a separate peace, on moderate terms, would be preferable to a mere defensive war. If, indeed, the enemy were to be so unreasonable as to reject all equitable terms, the nation would then not only submit to a defensive war, but to every sacrifice and privation, rather than fall down at the feet of France. Then, indeed, it would be proper to make no peace, and the spirit of the country would make none till every resource had been exhausted and every exertion tried; till we could say in the words formerly quoted by the right hon. gent.—"Potuit quæ plurima virtus, &c."—This extreme case is not likely to occur; but if, reduced to the necessity of that defensive war, which is only not worse than an inadequate peace, it would be the duty of the house to see that it was not so conducted as to be even more dangerous than peace, and to take care that every effort should be well directed, and every expense applied with economy. The other alternative I have mentioned is a separate peace, in case the co-operation of the continent or the concert of other powers in negotiation were unavailing. I hope such a peace will not take place. It is impossible to say beforehand, however, what such a peace might be; it might be better than a mere defensive war. A great responsibility would be on those who concluded it, as to the time and the terms of it, and obtaining the best securities which circumstances would admit. But, at any rate they ought to be such as, if violated, would at once shew, in the strongest light, the injustice and violence of the enemy. Upon these points I shall not dilate, as it is impossible to anticipate either the circumstances that would justify or condemn such a transaction, whether peace were negotiated in conjunction with our allies, or under the mediation or guarantee of other powers. Let us now, then, examine the answer sent by our government to Buonaparté's overture. Had we at that time been engaged in alliance with Russia, or had negotiations with that power been so far advanced as to be on the eve of conclusion, it would have been highly proper to decline any negotiation till Russia was consulted. If the negotiations for alliance were in an advanced progress, surely they ought now to have been brought to a conclusion. If they were not, might not ministers have answered Buonaparté, and pointed out a negotiation with other powers, as that most likely to lead to peace? As far as appears, there was not sufficient reason, so far as our intercourse with Russia was concerned, for not giving a more direct answer to a direct overture. There is a want of information on the subject, I confess, which leaves us much in the dark in this discussion; but it is to supply that information that the present motion is, in part, intended. Since the opening of the session, however, we have received another communication—the message now on the table. We are told, "that the communications which have taken place, and are still depending, between his majesty and some of the powers of the continent, have not yet been brought to such a point as to enable his majesty to lay the result of them before the house, or to enter into any farther explanation with the French government, consistently with the sentiments expressed by his majesty at the opening of the present session." I have said that the speech at the opening of the session left us ignorant of the state of the intercourse with Russia, and we received no information till, on the opening of the budget, the right hon. gent. stated that he proposed to reserve five millions to be voted afterwards, as subsidies to foreign powers, if circumstances rendered it expedient. Five months have elapsed since that time, and still we have no information, either on the actual state of the negotiation or the objects of it, except as far as it may be gathered from the subsidy we are called on to vote. The mode of proceeding, at the beginning of the session, appeared unprecedented, and this still more so; for we are called on to vote money for objects we do not know, ignorant whether the money is to be in the first instance applied to prosecute the war, or only in case the enemy refuse reasonable terms of peace, which it may now be intended to propose. This indeed would be to leave a large discretion with ministers, such as never before was claimed. Last war, indeed, a sum was left at the discretion of ministers, but it was after the object was thoroughly known, the power to which it was granted ascertained, not to mention that the amount, a thing of no small practical importance, was so much less. But here the cause, the means, the prospect of co-operation, its value, its application are beforehand unknown, and it is to be left at the discretion of the minister to apply five millions in any manner, to any purpose, and to any power he may think fit. Surely the house will not so far abdicate its functions, as thus, blindfold, to vote away its essential right of controling the application of the public supplies. Subsidies undoubtedly may sometimes be expedient, but the policy of granting them will depend on the object to which they are directed, the power that is to receive them, and his ability and disposition to render a fair equivalent of service. The time of granting them ought to be considered. But at present how do we know who are the powers to be subsidised? Can we expect an efficient co-operation without one of the great powers, Austria or Prussia? Without them, would the co-operation of Russia, even the greatest of the other powers, not to speak of Denmark or Sweden, be worth purchasing? And what is the time? If Russia be the principal power to be subsidised, shall we be told at the end of June that it is necessary to come to this vote for any efficient co-operation this season? Let us at least be informed of the grounds and object of the alliance with Russia. If the negotiation, after so long a delay, be not ready, surely its consummation cannot be distant, if it be at all probable. Then let the house sit till the affair be adjusted; and whatever inconvenience might arise to individuals from a protracted session, it is the duty of all to attend the business of their country on an occasion of such magnitude, involving the highest privileges, and most important functions of a house of commons. I have thus laid before the house, at greater length than I could have wished, a few general outlines of the situation of the country, critical, in the opinion of all, beyond any example. Every fact which is before us, every consequence to which those facts evidently lead, impose upon us the duty of investigating our situation; and parliament ought not to separate till it has ascertained the real state of the country. If the motion of which I gave notice appeared to me necessary a few days ago, it appears more fit and seasonable, in consequence of the message presented yesterday; and, when called upon to vote a sum of five millions, without information of any kind, I trust the house will hesitate before they pledge their own credit, and the money of their constituents, in a manner so unusual. I therefore move, "that an humble address be presented to his majesty, praying that he will be graciously pleased not to prorogue his parliament until he shall have been enabled to afford to this house more full information with respect both to his majesty's relations with foreign powers, and to his views and prospects in the contest in which his majesty is engaged."

Lord *Castlereagh* said, he did not mean to follow the hon. gent. through the whole of his statements, but merely to reply to the general points of his argument. The hon. gent. had contended that it was not consistent with the duty of the house to place such a discretion in his majesty's government, as the vote of the sum alluded to would amount to; but before he sat down, he trusted he should persuade the house that if they could not intrust such a discretion to the present government, they ought to substitute some other government, to which they could intrust it, and that no case could warrant their with-holding it, but a want of confidence in his majesty's government, that, if an occasion should arise, they would not assemble parliament to communicate the matter to them. He concurred in a great part of the speech of the hon. gent. He agreed particularly in what he had stated in the outset of his speech, that there never had been in a period in the history of the country, when the people had been more true to themselves and their real interests. He concurred too with the hon. gent., that if Ireland was not precisely in the state in which it was desirable it should be, it was rapidly advancing towards it. He was ready to join issue with the hon. gent. in his preliminary matter, for he perfectly agreed with him. The hon. gent. might justly call upon his majesty's ministers to justify and explain the manner in which they had applied the resources and facilities of the country, and how they had disposed of them in the prosecution of the war. The hon. gent. had in this view adverted to the state of the army, and the navy. It was satisfactory, however, to his right hon. friend, as it must have been to the house, that on the first point to which the hon. gent. had adverted, relative to the finances of the country, he had made no charge against the able administration of that department. The prosperity of the country, which was to be inferred from the flourishing state of its finances, was certainly no argument for the prosecution of a war that was not in itself just and necessary. The hon. gent. had stated that the war had been begun under an assurance that no addition would be made to the national debt in the prosecution of it. But the hon. gent. must recollect that this statement had been made in the contemplation of a certain quantum of war expenses, and if that ratio of expenditure had not been exceeded, this country would have been in the singular situation of maintaining a war expenditure of 25,000,000l. annually, without adding to its debt. When the war commenced it had a singular character, the enemy threatened our existence, and we had to provide in that instance only for our defence. Since, however, it had been the policy to apply our military resources not only to the purposes of defence, but for active offensive operations if an occasion should offer. The hon. gent. had stated, that now, at the end of two years of war, our debt had been increased thirty millions. The fact was, that this was the nominal addition to it, and not more than half that sum had been borrowed. The hon. gent. had animadverted on the state of the army and navy, and had made a charge of want of vigour founded upon it against his majesty's government. He had stated that our military situation had not been improved. The hon. gent. could not have looked attentively at the subject, or he would not have rated so low our general military position, nor stated that it had not undergone a considerable improvement since the period with which he had compared it. As to the general amount of the military force, he should not deny that it was highly desirable to add to our military strength as much as possible, and to carry it even beyond what it was at present. But when the hon. gent. represented it as inadequate, he ought to have compared it with its state at some former period of our history. He was aware that this would not be a just criterion of its present adequacy, but it would be a criterion of the power of calling forth the military strength of the country, and of the efforts of former governments for that purpose. In the year 1802, our whole regular force, exclusive of militia, was one hundred and seventy-four thousand men; on the 1st June, 1805, it was one hundred and seventy-six thousand eight hundred and ninety-nine, so that it was now three thousand more than at the period when it had been higher than at any former period of our history; therefore the picture the hon. gent. had drawn of our military strength was too gloomy and unfounded. If the hon. gent. took the period of the change of administration, it would be found, that the military force had been improved in quality, as well as carried to as high a degree as possible under the circumstances of the country. The gross amount of the military force was, in 1804, two hundred and thirty-two thousand, at present it was two hundred and forty-seven thousand, being an increase of fifteen thousand on the gross force. The troops serving abroad amounted at present to sixty-seven thousand, being an increase of nineteen-thousand above what they were in 1804, so that there was a total increase of thirty-five thousand regular troops since that period. The disposable infantry were, in 1804, ninety-eight thousand; they were now one hundred and twenty thousand, being an increase of twenty-two thousand; so that our military force was now greater than ever, and proved the country to be in a situation highly encouraging, so far from justifying the gloomy views of the hon. gent. The noble lord then stated, that the regular recruiting had produced within the first four months of this year seven thousand four hundred and sixty-four, and there had been recruited thirteen thousand from the militia, making together an accession of twenty thousand. There was therefore reason to expect that fifteen thousand more would be obtained by the regular recruiting in the next eight months of the year. By the other means of procuring an accession to the army, three thousand had been obtained during the last five months of last year, and five thousand in the first five months of this year, and without at all interfering with the regular recruiting. The next point to which the hon. member had adverted was the state of the navy. He had considered only the number of ships in commission, but in order to make a fair and impartial comparison, he ought to have taken into his view the number that had been put out of commission. Since the period alluded to there had been added to his majesty's navy twenty-three ships of the line, fifty-eight frigates, eighty-two gun-brigs, and thirty-two fire-ships, making in all an addition of one hundred and seventy sail; and notwithstanding the number put out of commission from being unfit for service, and casualties, &c. the number of vessels of all descriptions now in commission exceeded those in 1804 by one hundred and sixty sail. But the comparative state of the navy must depend on the exigency of the moment and the duty it had to perform, and on that ground he was prepared to argue it. The hon. member, in that part of his speech wherein he had stated that all the objects of the war had failed, had appeared to have mistated the objects of the war. His impression of the objects of the war was, (and the house would recollect what objects it had sanctioned by its approbation,) not a speculative hope of reducing the power of France, or its influence on the continent; not the speculative hope of being able to confine it within its present limits, or of reducing these limits: no, it was the conviction irresistibly impressed on the minds of his majesty's ministers, and on the country, that they had no choice, that they had only the alternative whether they should engage in the war with some securities in their possession, or endeavour to conciliate, which he contended would have been criminal; and might have afforded the hon. gent. a ground of charge against his majesty's government. The hon. gent. had stated this object of the war to have been to reduce by our own efforts the whole power of France, and then had charged the increased means of the enemy as a proof of the failure of his majesty's ministers, and the objects of the war. But he should have shewn that the French ruler would not have proceeded in his progress of tyranny and usurpation from the throne of France to that of Italy, from the plunder of Holland to the subjection in which he kept Spain, Switzerland, and the continent, if we had continued at peace, in order to prove his majesty's ministers culpable. The hon. gent. after having untruly represented the objects of the war, had proceeded to a criticism on the manner in which it had been conducted. He thought as highly as any one of the naval resources of this country, but he did not think them capable of affording us a commanding superiority on foreign stations, and enabling us to continue the blockades at home. We had to choose whether we should keep down our force on foreign stations or at home. The enemy at first directed their whole attention to the invasion of this country; before they changed that character of the war, the hon. gent. would not have approved of the distribution of the naval force by his majesty's ministers, if whilst the enemy's fleets were in Brest, Rochefort, Toulon, &c. our force at home were to have been weakened to detach squadrons to the West-Indies. It was sufficient to have the means of sending a force from home to follow the enemy to any part of the world. The arrangements had been made with a view to keep over the enemy a superiority at Toulon and the Mediterranean, at Calais, Ferrol, Rochefort, Brest, &c. There was besides a strong squadron off Ireland. No point had been neglected, and the superiority had been maintained in every station. The argument of the hon. member relative to the escape of the enemy's fleet, would go to give up the blockading system altogether. If a fleet could get out of a port where our force was stronger, it could certainly get into a port where it was weakest. The hon. member appeared to insinuate that blame was imputable to sir John Orde and lord Nelson, for the escape of the Toulon fleet. The nature of a blockade was such, that there was perhaps but one or two ports in the world that could be completely blockaded, and therefore when the enemy was watching the opportunity, certainly not glorious to himself, of stealing out, it was not surprising that they had succeeded. He hoped, therefore, the hon. gent. would not persevere in detracting from the glories and the laurels of the noble lord, who was equally distinguished as a patriot and a hero. The hon. gent. had charged upon his majesty's ministers that they did not know to what part of the world the enemy's fleet had proceeded; but the information that a government usually had, was as to the force in the harbours of the enemy, and the nature of their equipments, which might lead to a conjecture of their destination. The noble lord who commanded the channel fleet had general instructions to detach in pursuit of any of the enemy's squadrons that should escape from the western ports; when the enemy changed their mode of warfare, arrangements had been made without delay to follow them to any part of the world. He now came to that part of the hon. gentleman's speech which was most important. He was happy to find that the hon. gent. had no difference with him on the general principles. He had admitted that it was impossible to secure the permanent interests of this country, and particularly at this time. The hon. gent. had stated, that the overture of the French government alluded to in the speech from the throne, was frank and open; but if the hon. gent. had adverted to the spirit of the message of the French ruler to his council a few days after, he would not be likely to designate the overture frank and open, nor would he think that much would have been gained by acting inconsiderately upon it. He trusted the house would adhere to the sentiments in their address, that his majesty would not return any answer to the overture, till he should communicate with the powers of the continent. The hon. gent. had stated, that there were three descriptions of communications usually made to the house at its assembling pending a war, either that the war was to be continued from the impossibility of making peace, or that no eligible terms could be obtained, or that negotiations were going on. As to the latter head, the communication of his majesty's speech was as ample as any the crown usually made. It was impossible that his majesty could give any further communication to parliament, and he called on the house to place confidence in his majesty's ministers. It was impossible, under all the circumstances of the case, to give a more detailed view of the transaction. He asked, whether the negotiations could have been completed in a shorter period? There were three points of view to which our communications with the continent might be directed; whether the powers of the continent would co-operate with us in the war; whether they should co-operate with us in consequence of the refusal on the part of the French government to accept terms of peace; or whether they should act in concert with us, in defensive measures of the continent, to enable the powers there to resist the encroachments of France. He put it to the hon. gent. on the narrowest grounds, whether, considering the distance of Russia, and the period of the year, the negotiation could have been brought to a conclusion sooner? Whether in the present disjointed state of the continent, and the difficulty of communication, the negotiation could be concluded in a shorter period? The hon. gent. seemed to charge it upon his majesty's ministers, that they had not had the negotiations in a more forward state at the commencement of the session, so as to be now more ripe for communication; but the house would recollect that it was about that time that the court of Russia became fatigued with its friendly interference, in the multiplied breaches of treaties by the French government, and an opening of prospects was made for continental co-operation. The hon. gent. had argued that, if his majesty's ministers were not prepared to advise him to bring a detailed communication before the house, parliament should continue sitting till such communication could be made. The adoption of the hon. gentleman's motion would betray a jealousy of his majesty's ministers, that they would not be disposed to assemble parliament, if a necessity should occur. The vote would not fetter parliament as to the discussion of the question at its next meeting. The proceeding would be novel and unusual, and might have a very material effect upon the councils of the powers with whom we are negotiating; it has no precedent in the history of the country. The noble lord recapitulated the principal points to which he had adverted, and, contending that the hon. gent. had made no ground for his motion, concluded by expressing his intention to give it a negative.

Mr. *Windham* observed, that the question to be considered on this occasion was not as the noble lord who just sat down had stated it, whether the amount of the sum proposed to be voted was necessary, or whether that sum would be properly applied, but whether, under all the circumstances of the country, it would be proper that parliament should be prorogued. It was not meant to be argued, nor had any thing of the kind been said by his hon. friend who opened the debate, that ministers could or ought to make any communication to the house at present, with regard to any negotiations they might be engaged in with foreign powers. The position was, that in order to afford the opportunity of making the earliest possible communication upon that important subject, parliament should not be prorogued; that was the practical question at issue. But the objection to comply with the motion was, it seemed, that such compliance would imply a want of confidence in his majesty's ministers. To that, however, he would say, that the confidence demanded was more than they or any other ministers were entitled to claim. What! that parliament should separate, leaving the country in such a state, surrounded with such menacing dangers, and so inadequately provided to meet them. Every man out of doors must feel surprise that the thought could be entertained for a moment at such a crisis. Every man must say that we are at present in such a situation that it was impossible to conceive what plan of proceeding government had in contemplation; at what point their policy was levelled; or to what it was likely to lead; whether to peace or the serious prosecution of the war. Nobody could tell or divine, though all were naturally anxious to ascertain their object. At a time, then, that such doubt and anxiety prevailed, and that there was so little disposition to confide in the discretion of his majesty's ministers, could it be seriously urged that it would be wise in parliament to separate? If the personal convenience of members was offered as a ground for prorogation, he would say with his hon. friend, that such a consideration was not to be put in competition with the reasons that pressed upon the house to continue sitting. The consideration of personal convenience was indeed unworthy to be alleged in that house against the performance of a great public duty, when, to say the least, the affairs of the empire, upon a general view, were in such a situation that parliament ought to continue in a state of immediate superintendance. To continue would not, he maintained, imply any undue want of confidence in his majesty's ministers. But they professed to be of a different opinion, and appeared principally to rest their opposition to the motion upon that basis. The claim to confidence upon the part of ministers on this occasion, naturally led him into an examination of the grounds upon which their title was sustained, and had a double operation, first, as it regarded the ministers themselves, and, secondly, as regarding through them the situation of the country. The more the ministers were undeserving of confidence, the more alarming was the situation of the country, and the greater consequently was the confidence required to be reposed. Now, as applying to both those topics, it was to be observed, that there was a remarkable discordancy between what had taken place since ministers came into office, and what they promised at the time they accepted office. They certainly did not fulfil what they so frequently promised respecting the army, the inefficiency of which was the prominent feature of the charge urged against their predecessors. The army which, it was generally supposed, formed a material ingredient in war, was in this peculiar war in which the country is engaged, almost wholly neglected, that is, with regard to a provision for its permanent supply. Upon this head ministers had certainly rather broken their pledges to parliament and the country, and this was the more deserving of notice, when it was recollected, that the inattention of their predecessors to the army was the principal cause of their removal from office, and the principal article of accusation too exhibited against them by some of their present colleagues. This marked inattention to the army he considered quite a sufficient ground, at least, of distrust, in his majesty's ministers; and it undoubtedly occasioned much gloom and discontent throughout the country. On this subject he cautioned the house against the exaggerated statement which the noble lord had made as to the amount of our force. He did not mean that this statement was purposely exaggerated by the noble lord; but he wished to impress on the house the propriety of analysing such statement before it attached much importance to it. The noble lord had said, that our disposable force had received an increase within the year of no less than 35,000 men. But the question was, of what kind was that increase? We had heard of a transfer of from 15 to 16,000 men from the militia; but of what sort were the remainder of the augmentation? Were they of such a description as the corps talked of at New Brunswick or Ceylon? If they were, they surely formed no material addition to a regular army, although they might swell a statement. As to the addition which the army received from the militia, *they* could claim no credit for that addition who frequently contended that the militia were as efficient and as material to the strength of the country as the regular army. But in point of fact, however ministers might vaunt of the encrease which had taken place in the regular army, there were no means adopted that promised a regular and efficient supply. This was the general complaint. The militia had furnished one supply; 10,000 men had been obtained from Hanover. But then no permanent resource was provided: the men the army had got were not procured by recruiting, nor by any settled system that was likely to continue productive. No; the means by which the army was augmented furnished the extent of their capacity once for all; and the army was absolutely left in future to depend for supply on accidents or shifts.—The noble lord, the right hon. gent. observed, had passed on from the army to the navy, and gone into as it were the details of two years naval campaigns. But without following the noble lord through all, or any of his details, the general result was before the eyes of parliament and the country, and upon that general result every man could decide. Among all the vicissitudes of war, among all the gloomy and distracting prospects which the present war presented, parliament and the people were accustomed to hear and derive consolation from the thought that Great Britain had the dominion of the seas. But how did the case now stand? The fleets of the enemy were out in various directions. A formidable force was gone we know not where; the bolt was shot, and where it might light, time alone could tell us, but that it was likely to give our dominions a severe wound, there was too much reason to dread. Apprehensions were entertained for Ireland, the Indies, &c. Public anxiety eagerly sought the enemy's destination, but all was suspense and uncertainty. The people were uneasy, and the government was ignorant.—The right hon. gent. expressed a hope and anxious wish, that notwithstanding the present state of things, particularly with respect to the French fleet, the country should have nothing more in the end to complain of, but the mismanagement of ministers, or to enquire about the efficiency or inefficiency of the system of blockade. Every Briton must naturally feel glad if the effect of the present alarming prospects should at least be reparable, and that it should not prove that we had an insecure hold of the dominion of the sea. But he could not help saying, that the appearance of our affairs was by no means calculated to encourage confidence, such as the noble lord endeavoured to excite by a statement that, however, it might tell at a court martial, on the trial of the blockading officer, could make but little impression upon that house, or the thoughtful part of the public, with respect to the general conduct of our naval affairs.—The noble lord's view of our finances, the right hon. gent. stated his disinclination to enter into, because he did not think that part of his speech very material to the present question. But yet there was one short remark which he begged to submit. The noble lord, in his endeavour to account for the non-performance of that minister's promise, who said, that for a certain period no encrease of our debt would take place, stated indeed, that the disappointment of the expectation excited by that promise (if any one did seriously rely on it), arose from this, that the expenditure was higher than the sum provided. Why, truly; it was in that way that estimates were commonly found to fail. Why it should answer the noble lord's purpose better to state that the expenditure exceeded the income, than to say that the income fell short of the expenditure, he was not able to discover. It was the fact of the two not meeting that made the failure, and that failure was an additional reason for not relying with equal confidence upon ministers.—But the strongest ground for distrust arose from the state of the army. If it were said that this state was not wholly chargeable to the present ministers, he would admit it; for it would have been impossible for them since their accession to power, to have repaired what their predecessors had done, and to have supplied what those predecessors had left undone. But yet the present ministers might have put measures in motion, and those measures might have been now in progress, to remove the evil complained of. This, however, was not the case. The army was left to waste away, unless some chance arose; unless some lucky God-send offered to supply it; unless some other country like Hanover should fall into the hands of the enemy. This was a melancholy consideration, for just in proportion as our danger pressed, whether it was our object to conclude a peace or carry on a war with vigour, a formidable army was essentially necessary.—With all the noble lords observations respecting the propriety of cultivating a continental connexion, the right hon. gent. expressed a decided concurrence. He remembered, however, when quite a different sentiment prevailed in that house, and when some gentlemen justified the peace of Amiens, in consequence of its tendency to put an end to such connexions. But he was glad to witness the change that now appeared, and that gentlemen were become sensible of the propriety of continental connexions for this country. Necessity was a harsh teacher, but then she was not a bad one. Much as the house had heard of the pride and honesty of standing alone, it was now found that solitude in danger was not a very consoling situation. After having made use of taunting language; after having endeavoured, under the affectation of magnanimity and lofty professions, to cover the indiscretion, and even the treachery of insulting and deserting our continental friends, it was now felt necessary to resort to them, to court them. Some of them, however, were not to be found. Sardinia was now no more;

and others were in fetters. But such as felt any wish towards us should be sought after, and their support conciliated if possible. There were powers to which ministers might look for aid, with some hope of success. What they had done yet in this way they declined, perhaps very properly, to communicate to the house. But their declining to do so, and the necessity of the continental concert looked for, formed considerations to shew that parliament should continue to sit to watch the manner in which the ministers should exercise the powers vested in their hands, and to receive the earliest intelligence of the result of their negotiations. In the opinion of the noble lord, however, the want of confidence in ministers which, according to his judgment, the adoption of the motion would infer, was a just ground of objection. Because, as the noble lord argued, to refuse confidence to ministers at present would be to reduce them in the estimation of the country, still more of foreign courts, and thus injure the progress of the pending negotiations. If such an argument, however, were admitted, it would operate for universal confidence in ministers. But it became necessary to take a course between two extremes; to take away from ministers a part of the power of doing good lest they should do harm. It was one of the disadvantages of our constitution, and of every other nation in which there existed a popular assembly, that the government must have a limited confidence. This disadvantage, however, was more than compensated by the advantages resulting from such an arrangement. But this was a disadvantage of which all ministers might equally complain, for all ministers were subject to the same control; and, in order to facilitate the exercise of that control, their powers were limited. To preserve this salutary control over the proceedings of ministers at the present important juncture, it was his wish that parliament should not be prorogued.—As to the noble lord's quotation of precedents, of which he seemed very fond, the right hon. gent. observed, that the noble lord often resorted to them, where, in point of fact, they did not form a proper criterion. When the noble lord alluded to the army, instead of dwelling upon the peculiar state of the country, and its capacity to produce a large military force, he went back to other periods, and instituted a comparison between times and circumstances, having no analogy whatever. But whether, in constituting an army or demanding confidence, it was the noble lord's pleasure to resort to precedents, it however happened, that the precedent which he had quoted on this occasion could not avail him; for there were not merely "shades of difference," as the noble lord expressed it, between the circumstances under which the vote of three millions, in 1799, and those which existed at present; but they were essentially different. In the former instance the sum voted was not only much less than that now proposed, but the negotiation was actually concluded, and the line of proceeding clearly marked out, and our continental connexions ascertained. How then, independently of any consideration arising from a difference as to our dangers, could a comparison be said to lie as to the two periods? They were, in fact, altogether dissimilar. Without recollecting all the details, there was, perhaps, one particular reason why that precedent was not applicable. It might very well happen that, although there was an individual in the present administration who also belonged to the administration of 1799, parliament and the country had much more confidence in the administration of 1799 than they were willing to grant to the present.—Whether looking to the motion on the broad ground of public safety, or to the degree of confidence due to ministers, the right hon. gent. decidedly thought, that it ought to be acceded to. Parliament would desert its duty if it invested ministers with unlimited power at such a crisis as the present; if it left to them the whole management of public affairs; if it allowed a vast sum of money to be disposed of according to their direction. If all this was to be submitted to, merely in order that prorogation should be preferred to adjournment, it must excite the surprise and discontent of the country.—The right hon. gent. concluded with recapitulating his several arguments, and stating that the dangers of the country were such, that whether it was meant to continue the war or take a temporary refuge in peace, it was become necessary always to have in contemplation that we had to contend with an enemy who both followed the ambition of the ancient Romans, and emulated their virtues (if virtues they could be called), and having the same view of universal dominion, was as little likely to desist from it either in war or peace. Into many topics of the noble lord's speech, the right hon. gent. declined to enter for the present, particularly that which related to the army, as an opportunity for fully discussing that subject would offer itself in a few days.

Mr. *Canning* saw no advantage that could be derived from the adoption of the proposition before the house; for if the meeting of a parliament should at any time be necessary, it might be convoked with sufficient promptness and facility even after the prorogation. To keep the members in town at this season, did not appear to him to promise any particular public good, while it might be productive of great public mischief. As to the sum proposed to be voted in consequence of his majesty's message, he could not see why his right hon. friend should assume that it would amount to five millions. The right hon. gent. deprecated the idea of fixing a suspicion on his majesty's ministers, by adopting a motion so contrary to general custom as that before the house, and proclaiming to the country and to foreign courts, that they were unworthy of confidence. What the gentlemen on the other side could propose to obtain by pressing this motion, and preventing a prorogation, he confessed himself quite unable to comprehend. If it was their object to discuss and improve the state of the army, they would have a full opportunity of communicating their designs on Monday next, for upon that day the house was aware that a great authority was to come forward with great military plans; in consequence of which, the sessions might close with a new military system, that should do away all the blunders that had been heretofore committed; that should set a new military machine in motion quite free from blemish, and incapable of obstruction; that should, in fact, render it unnecessary for parliament, for years, again to consider a military subject. If it was the wish of gentlemen to enquire into the system of blockade as applicable to the escape of the Toulon fleet, with a view to attribute blame to ministers, he called upon them to institute the enquiry immediately, and they would find that lord Nelson's fleet was more than adequate, in every respect, to the French fleet, of course, that adequate provision was made on the part of ministers in that quarter. The right hon. gent. combated the various arguments of his right hon. friend in favour of the motion, and contended that two-thirds of his hon. friend's speech made against the motion. From the motion itself, he saw no good that could arise; nor could he conceive it to have any other object in view, than to express a little spleen, and to proclaim an unfounded want of confidence in his majesty's ministers.

Mr. *Windham* stated, in explanation, that his meaning was, that parliament should continue to sit, and not vote the money required, until it should prove to be actually necessary; thus any improper confidence in ministers would be guarded against.

Earl *Temple* suported the motion of his hon. friend, and particularly argued, that, if his majesty was not yet in a situation that enabled him to make any communication to the house, respecting his foreign relations, they should at least continue to sit, and by that means be in the same situation as at the beginning of the session. What they wanted was, that they should not be out of a situation in which they might receive communications when ready to be made. The sum left at the disposal of the minister, was no doubt great; but it was not the amount to which he objected; it was to the principle, which he regarded as unconstitutional and unprecedented. The vote of credit alluded to in the year 1799, was very different. There was in that case a specific object to which the money was to be applied. There was an existing alliance and an engagement had been formed; but here there was no precise object submitted to the house. The one was a real, the other an eventual expense. There was a great difference, he contended, between adjournment and prorogation. In the one case they were certain of the day of meeting; but in the other, whatever might be the situation of the country, whatever calls there might be for the distribution of the public money, they could have no control over it.

Mr. *Fox* said, he could not reconcile it to his feelings to give a silent vote upon a question so intimately connected as the present with the rights and privileges of parliament, and the policy of the country; he should, however, endeavour to bring what he had to submit to the house, within as short a compass as possible. The first point, he observed, was, that by the three last loans this country had added to the capital of its debt not less than eighty millions of money. This was a matter of grave consideration, considering the former burthens of the country to which this was an addition, notwithstanding the progress of the consolidated fund, and the salutary system of raising war taxes, and providing for so large a portion of our expenditure within the year. With regard to the army of this country, he should touch upon it slightly, because that subject was soon to be discussed at large by an hon. friend of his, who was well qualified for that undertaking (colonel Craufurd); and if that hon. gent. had been thought sanguine as to his plan in that object, yet it must be allowed that the right hon. gent. opposite to him (Mr. Pitt) was also sanguine in his plan, for he had made it one of the great foundations of his attack on the late administration, with part of which he had afterwards joined, that they had not sufficiently provided for the permanent establishment of the army, and he had brought in a bill to supply that defect: that bill had been tried, and without being very sanguine as to the effect of the plan of his hon. friend, he might venture to predict, that if it should be tried, it would be as efficient as the bill of the right hon. gent. for the permanent encrease of our military force; indeed, the bill of the right hon. gent. coming from a person so extraordinary in talents, reminded him of what was said by Dr. Johnson of the poem of Ossian. Being asked, from what man upon earth, but its author, could it be expected? Did he know any other man upon earth capable of writing such a poem? "O yes," said the doctor, "many men, many women, and many children!" He believed this to be the true description of the bill of the right hon. gent. for the permanent improvement of the army. With regard to the navy, he defended the statement of his hon. friend (Mr. Grey), and maintained that the want of information of our government, with respect to the Toulon and Rochefort squadrons, was much to be lamented; and he did not approve of the manner in which our naval force was disposed of in the Mediterranean, the faults of which he imputed not to any of the gallant officers, but to government, who gave them orders, and who provided the force. Upon the subject of Ireland, the noble lord (Castlereagh) had agreed to much of what had been stated by his hon. friend in the opening of this debate, and he agreed also with them both, that the state of Ireland was good in some respects; but when he used the word good, he used it in the sense to express the idea that Ireland was considerably amended from the condition it had been in: and here he must bear an honest tribute to the merit of lord Hardwicke, to whom much of the improvement of the condition of the people of that country was owing. This he should have no difficulty in saying, although there were points in the conduct of that noble lord, as lord-lieutenant of Ireland, towards a relation of his (general Fox) while there, which met his disapprobation. However, he could not help lamenting that lord Hardwicke, as he understood from pretty well grounded rumour, was not supported by that cordiality and union, in the administration of that country, which was essential to carry into effect any of the best plans of any government. He understood that some part of the system of that noble lord was opposed by another noble person, who had distinguished himself by his opposition to the catholics (lord Redesdale): much good was not to be expected from any government where perfect harmony did not subsist among all its members. He had had the honour to present to the house a petition on behalf of the catholics of that country, the prayer of which had been rejected by a large majority. He wished to know, whether any thing short of that prayer was intended to be granted to that body of persons, containing almost all the population of that country? He had no hesitation in saying, that it behoved government to do all that can be done short of granting the prayer of that petition. He wished the prayer to be granted altogether; but after the sense of parliament had been so fully expressed, he could not expect government to have the same view of that subject. It was not for him who thought the prayer ought to be granted, to point out what other mode should be adopted; but it behoved those who opposed that prayer to look into the case, and devise the best remedy that appeared to them to be applicable to it, for it was not to be expected that the people of that country would be content with every thing remaining exactly in its present condition there. He recommended this subject to the most serious attention of government.—He now came to the business of the king's message, and to that which was connected with the speech from the throne, to which he wished the house particularly to attend. The king by that speech told parliament that he had received an offer of negotiation from the French government; that situated as his majesty was, he thought proper to say, that he was engaged in confidential intercourse with a certain great power, meaning the emperor of Russia; that he thought it right to apprise that monarch of the overtures which had been made by France to his majesty, and that he must consult with him before he could return any answer to France. Now, he would ask, what was the meaning of that communication. He was not now delivering an opinion what the answer of his majesty ought to be. It was natural enough that his majesty should not make any answer to France until he had consulted with the emperor of Russia, possibly until he had agreed upon a treaty with that monarch; but then it was not so likely a way to negotiate with effect for peace, if his majesty had to say to the enemy, "Stay until I can see whether I shall be able to enter into a treaty with another power, for the purpose of our carrying on the war jointly against you." Now, if his majesty's answer to the overture of France for peace was capable of two constructions, it was not wonderful if this was the construction the French put upon it. The question then was, when that period was to come when the house of commons was to have information upon that subject? When so proper to ask it as when the application was made by the crown for money to carry on the plan, whatever it be, which refers to that very subject? The great and fundamental principle of our constitution was, that the house should demand all necessary explanation of the executive government in these important public concerns, and no time was so proper, because none was likely to be so effectual, as when they were voting money to support the system of government; this was the time when the advice of the house of commons to the throne was most seasonable, and likely to be most respected. This was one of the right uses which the house had to make of its power over the public purse, and ministers should, when they came for money, explain this matter to the house. And here he must remind the house, that the right hon. gent., when this subject was mentioned at the opening of the budget, and the sum of five millions was reserved for the probable use of subsidies, candidly stated, that no member of the house was to be understood to have pledged himself to any opinion whatever, not even to the length of granting the money, or any part of it, unless he should approve of the proposed application. The house of commons did not point out any thing concerning the pecuniary arrangement of this matter; and the right hon. gent. had then hopes of being able to give the house some information upon this subject in the course of the present session. He should now ask the right hon. gent. when he could make the communication? If he could not answer now, the next point was, since the answer cannot be made at the present period of the session, let the session be made to continue until the answer comes; since the answer cannot be made to accommodate the session, let the session be made to accommodate the answer. He was sure the right hon. gent. would give the house the information if it was in his power; if he could not do so now, he should allow the house to sit until he could. But this mode of asking the minister to continue parliament together until he could give it some information, was holding forth to the public that government was entitled to a mark of want of confidence in the house! Want of confidence was the constitutional character of that house. It was a mark it ought to set upon every minister of the crown, it was a mark he was entitled to ex officio, and that the more especially under the present circumstances; for here was to be a large sum of money, perhaps five millions, to be proposed to be voted, without any information as to its probable application. There was a distinction between the present case and the former vote of credit of three millions. At the time of that vote we were at war; so we are now, but then we were engaged in a continental war, and it was then expressed what the money on the vote of credit was to be applied to—that of carrying on a continental war, a war frequently discussed and approved of by the house; but now the house did not know what this money was for, nor could the house have any guess what it was for. The house knew nothing but what was to be collected from the king's speech at the opening of the session, and the message of yesterday; but the message was not clearer than the speech, and perhaps it could not at present be clearer; but then the remedy for that was for parliament to remain together until information came. But it was asked, where the difference was between prorogation, when parliament might assemble in fourteen days, and an adjournment for that time? The difference was, that one of these matters was in the power of the minister, the other in the power of the house of commons; which reminded him of a scene in an excellent comedy, wherein the father takes out a bond, and the son says "Let me hold it in my hand." The father says, "What signifies it which of us should hold it—neither of us shall hold it." And then he puts it in his pocket. So it was in this case. The minister asked, what difference there was between an adjournment and a prorogation? The difference was, that he had the bond in his pocket, if there was a prorogation.—He then took notice of the power of parliament to refuse to confirm the engagement of his majesty, in the event of its disapproving of the terms of such engagement, (a power which was unquestionable,) for the purpose of shewing how much right the house had to demand explanation before it assented to the granting a vote for a large sum of money; and he apprehended that the government of foreign powers was not so destitute of information of the nature of our constitution as not to be fully aware that all the engagements of our government were subject to the approbation or rejection of parliament; and therefore the argument that this motion, if agreed to, would diminish the respect of foreign powers for our executive government, had no force in it.—He then proceeded to observe on the want of confidence in his majesty's ministers particularly. The right hon. gent. could not expect him to have much confidence in him. He certainly had no particular confidence in the right hon. gent., but he had no difficulty in saying that his want of confidence did not arise from personal considerations, but from his public character as to the situation in which he stood:—the situation in which he stood with reference to the principle on which the present ministry were formed; for the right hon. gent. was sometimes supported by those with whom he could not agree before his administration was formed, and with whom he could scarcely agree now. It was a system of disputes, forced resignations, and rapid reconciliations; but they now adhered together from a principle which was a very strong one, although it had no cordiality whatever in it, namely, that one party could not remain without the adherence of the other; but when he saw no other principle of cohesion among these persons, he must be allowed to observe that such an administration was not entitled to any peculiar confidence; and without speaking with disrespect of those who composed the present administration, he might fairly say, that, independent of the splendid talents of the right hon. gent. himself, there was nothing in the present administration to entitle them to any peculiar confidence, and the house ought to take care not to give too much confidence to them. He was the more confirmed in the necessity of this caution from what had appeared in the course of this session, by which he was convinced it was morally impossible for the present administration to expect any extraordinary share of confidence. Who, said the hon. gent., can expect, that we should give extraordinary confidence, or that foreign nations should give any confidence at all, to such an administration as the present? I am, perhaps, less sanguine than others, with respect to the good that could be done by the best administration; but I feel myself sure, that an administration formed to comprehend all that is respectable for rank, talents, character and influence in the country, affords the only chance of safety; and I trust, that nobody can suppose that any individual (however he may disapprove, as I certainly do, the unconstitutional principle of exclusion) would suffer any personal object of ambition, if ambition he had, to stand in the way of the formation of such a ministry.—If the present executive government did not feel this truth, it was time that the people told them of it. What might be the effect of such a combination he knew not, but this he knew, that without it there was no chance of this country weathering the storm, and encountering its perils. By this he did not mean that the country would be annihilated, but that the prosperity of it would be at an end.—The hon. gent. then proceeded to observe on the conduct of government with regard to Russia, and thought ministers ought to have put a short question to that court, whether they would consent to our treating with France, or whether they thought we should refuse altogether? and if Russia refused to answer that question, with all his partiality for Russia, the negotiation would not have been worth having without that explicit answer.—He then entered into our general policy, preferred the alliance of Russia to that of any other power; but confessed he saw no prospect of a speedy termination of our contest by that alliance alone, without the assistance of other powers. He disapproved of the conduct of France in the late war as well as in the present, but he disapproved, if possible, still more of any government pursuing under the title of indemnities a system of partition of states, making some republics, some monarchies, and annihilating the political existence of others, without regard to moral rectitude or to the common feelings of mankind, which considerations had more influence on the affairs of the world than some politicians were aware. The partition of Poland, the seizure of Holland, the subjugation of Switzerland, and the division of states, by the agreement of some, and by the fraud and rapacity of others, had done more to destroy the confidence of mankind in each other, than all the other misconduct of the powers put together. In private society, when men lost their confidence in one another, the compact was dissolved. The same rule applied to states, for they were only aggregates of individuals. He recommended to all the powers of Europe a system of justice and moderation, as the only means of putting an end to the evils under which we labour. He recommended a general congress, and that these principles should be prevalent in its deliberations. He knew he excited a smile when he recommended these notions, because they were thought chimerical; but those who thought so had found their own system had failed, and they had never tried his. Having dwelt on these and other kindred topics for some time, he concluded with giving his hearty concurrence to the motion of his hon. friend.

The *Chancellor of the Exchequer* expressed his regret that the same circumstances which prevented his majesty from making any more direct communication to the house, than that which the message contained, rendered it impossible for him to follow the hon. member who had just sat down, through many of the details which his speech contained. Before he proceeded to offer a few observations on the question immediately before the house, he was anxious to make one or two remarks on those topics with which the hon. member who introduced the business had prefaced his motion. These topics had been so ably commented on by his noble friend near him (lord Castlereagh) that he should not have thought it necessary to refer to them, if the last speaker had not revived and enforced them. Another reason that rendered it the less requisite for him to enlarge on them was, that they were not practically connected with the question submitted to the consideration of the house. The house had heard in succession of the situation of the finances, of the state of the army, of the extent of our navy, and of the present state of the public mind in Ireland. All these points were urged, and in that way too, which gave rise to an idea that the hon. member wished to have them all made the subject of separate discussions, with the view of removing what was defective, and placing every thing on a different establishment; this idea, however, turned out to be erroneous, for the hon. member would be satisfied with a simple adjournment from week to week, or from fortnight to fortnight, not for the purpose of enabling the house to renew any discussions on the general state of our relations, foreign and domestic, but merely for receiving that communication which could not be brought forward under the present circumstances. Such being the state of the case, he was relieved from the necessity of going into any minuteness of detail. Of the state of our finances, he could by no means entertain those gloomy ideas which the hon. gent. entertained. He thought, on the contrary, the prospect they afforded was highly consolatory. As to the promise on which the hon. gent. had insisted, he had to say, that he was not in office at the time it was made, but he was satisfied that if great and unexampled burdens had not been rendered necessary, the pledge would have been amply fulfilled. Even if a sum of seven or eight millions had been sufficient, the sinking fund would have covered it without accumulating more debt. It was consoling and encouraging that, instead of adding to our loans, we could raise by the sinking fund, and the taxes raised within the year, no less a sum than twenty millions this year. This was a most flattering picture of the state of our resources, and the regular payment of near eight millions a year by the sinking fund, in spite of our accumulated difficulties, was the best testimony in favour of public credit. The beneficial effects of this system it was needless for him to insist upon, for they were felt in the general prosperity, industry and comfort of the people. He would not go into detail on this part of the subject, as another opportunity would be afforded him, when an hon. gent., whose ability and accuracy well fitted him for the task, should submit his resolutions to the house. When these resolutions were introduced, he should, he trusted, be able to shew the house that the view which he gave of the financial state of the country was by no means delusive. As to the present state of our army, he declined saying much at present, reserving himself for the day when the subject would be fully discussed. He begged leave however, to allude to what had been said about his promises to place the army on a proper footing, and the disappointment of these promises. He had to complain, that his sentiments and language had on this subject been either misunderstood or misrepresented. As to the actual amount of our military force, he had long since declared that it appeared to him nearly adequate to the circumstances of the country. What he objected to was, principally, the manner in which it was distributed. He had complained too, of our deficiency in disposable force, and to supply this deficiency, his most active exertions had been directed. He did not see then any ground for supposing that, for the accomplishment of so desirable an end, temporary expedients should not be resorted to, and ministers had accordingly combined these with a plan for the regular recruiting of the army. If from this period last year, down to the present day, twenty or thirty thousand men had been added to our disposable force, he did not see with what justice ministers could be accused of neglecting our military resources. He begged gentlemen to reflect on the difficulties attending the recruiting for the army in this commercial country, and yet with all these difficulties, we had now a disposable force of a hundred and forty thousand well disciplined troops, besides a hundred thousand that were stationary. To these were to be added about four hundred thousand volunteers, forming altogether a force which at once shewed the activity of the government, and the zeal and spirit of our general population. The state of our military strength was indeed such as to remove all diffidence or anxiety. The right hon. member next adverted to the state of the navy. It was true that there was in ships of the line a very trifling increase, but when it was considered how many had been necessarily laid up in the docks to be repaired, he was sure that the exertions of the noble lord lately at the head of the admiralty, to expedite this important branch of the public service, was entitled to the gratitude of the country. Equally entitled to approbation was his zealous activity in providing stores of every description, and his diligence in hastening the fitting out of that inferior species of naval force which the peculiar circumstances of the country required. He denied that the escape of the French squadrons at all evinced want of knowledge or activity on the part of the admiralty. On every one of the stations where the squadrons of the enemy were, they had been blockaded, and if by accident the blockade was raised, there was no proof of the least blame attached to any one individual. It was quite impossible, great as was the amount of our naval force, to have squadrons in all parts of the world to which a hostile fleet might by accident direct its course. He vindicated the conduct of the admiralty as to the first sailing of the Toulon fleet. It was not then ascertained that they had gone out of the Mediterranean. On the contrary, there was then reason to suppose that they had in view an object much nearer than any attempt either on our West-India islands or the Brazils, though he was not at liberty to speak with greater freedom on the subject. He denied that the number of troops on board the Toulon fleet had ever been ascertained. On the contrary the most contradictory accounts had at different times come into the possession of ministers. Every reasonable precaution had been taken on the part of government, but no vigilance, however active, could at all times prevent the escape of an enemy, continually on the watch to elude us. He next touched on the state of Ireland, which he allowed was ground of not a little anxiety. A great improvement had taken place, but much yet remained to be done to perfect the advantages of the union. He trusted that every thing inflammatory would be studiously avoided on a subject so delicate, and at the same time so interesting; as it had only been incidentally alluded to, he should not insist on it on the present occasion. After going through these points, the right hon. gent. proceeded to state what had been his original views of the renewal of hostilities, views from which he had never for a moment departed. He had never supposed or maintained that the military force of this country was adequate to reduce the inordinate ambition, or curtail the overgrown power of France. He had maintained, however, that this country could not, consistently with its safety, now retain the relations of peace and amity with a government whose hostile views were so unequivocally manifested. He had thought that the spirit and energy of this nation, properly displayed, might rouse the spirit of the powers of the continent, and that an opportunity might be found of making a common cause with them against the ambition of an individual restrained by none of those laws which regulate the intercourse of civilized kingdoms. Of the power of this country to repel the invasion he never entertained a doubt; and he trusted that the attempt, if made, would be so repelled as to hold out encouragement to those whom fear had bound in slavish obedience, to rise up and shake off their ignominious chains. Such were the views which he had laid down, and such had been the principles on which the confidential communications alluded to in his majesty's message had been conducted. The principle of joint peace or joint war formed the basis of the negotiations, and he was glad to find the right hon. gent. (Mr. Windham) fully entered into the system. To obtain such a co-operation from Russia was what ministers were desirous of effecting, and what true policy clearly demanded. He allowed, indeed, that Russia alone, independent of other continental powers, was not efficient for effectually reducing the power of France. To interest other powers in the same cause became therefore a matter of the utmost consequence, but to accomplish this, he needed not to apprise the house, was a matter of extreme difficulty. The secresy which such negotiations required, the discussion of all the circumstances connected with such a close union of interests, and the arrangement of the means by which the different members of the confederacy could be brought to act together, were all reasons why the communication alluded to in the message could not now, after so long an interval, be satisfactorily explained. He trusted, then, the house would not refuse to give on this occasion, the same credit to the message, which other messages, under similar circumstances, had obtained. His majesty stated, that no more distinct communication could be made with safety, and therefore he hoped that no unnecessary obstacle might be thrown in the way of connexions capable of producing the most satisfactory results. The right hon. gent. concluded by giving his negative to the motion.

Mr. *Grey*, in reply, adverted to the declaration respecting the sufficiency of the produce of the surplus of the Consolidated Fund to defray the expenses of the loans for the three first years during the war. Such, he understood it to have been then asserted, although the hon. member now endeavoured to put another construction on it. Upon the army he would not then say any thing, as that subject was to be brought forward by an hon. member. In the observations which he made respecting the navy, he did not state the small comparative increase of it for the purpose of inculpating the late board of admiralty, but to shew that it was not equal to the situation of the country engaged in hostility with France and Spain. The right hon. gent. had insinuated a heavy charge against lord St. Vincent, and which should not have been made unless it was meant to be pursued. The charge, as he could collect, for the right hon. gent. did not openly express it, was, that that noble lord had not exerted himself as he should have done, to supply the usual decay of the navy. But how did the successors of the noble earl supply the deficiencies occasioned by decay? Why, by purchasing from the merchant-yards such ships as might be fairly said to constitute not any portion of the strength, but rather of the weakness of the British navy. He would not deny but that the greatest vigilance might be sometimes baffled, and that a single squadron might escape from the enemy's ports, and yet no blame be imputable either to the board of admiralty, or the officer who commanded on the station. But what were the house to think, when one fleet escaped from Toulon, another from Cadiz, two from Rochefort, one of which was now at sea with 2,500 troops on board? surely there was something more than mere accident in so many escapes. He would ask, after two years of war, what had been done? Could ministers say where the fleets of France or Spain were gone? Could they undertake to the assure country, that they were not at the very moment giving a decisive blow to some of the most important interests of the country?—The question being loudly called for, the house divided.

Ayes - - - - - - -	110
Noes - - - - - - -	261
Majority against Mr. Grey's motion	151

Adjourned at a quarter before three o'clock on Friday morning.

HOUSE OF LORDS.

Friday, June 21.

[MINUTES.]—Mr. Lascelles brought up from the commons Mr. Pitt's Indemnity bill; which was read a first time, and ordered to be printed.—Lord Suffolk presented a petition from the church-wardens of the parish of St. Pancras, against the Pancras Poor bill. This petition, like that presented yesterday, was found to be irregular, and was withdrawn, in order that another more consistent with the orders of the house might be presented.—The Stipendiary Curates' bill being re-committed, the archbishop of Armagh moved, that the words "England and Wales" be left out, in order to make the bill applicable to Ireland also. After a long conversation, in which the archbishop of

Dublin, the archbishop of Canterbury, the lord Chancellor, earl Fitzwilliam, the bishop of St. Asaph, the bishop of London, &c. spoke, the motion was negatived. The chairman then reported progress, and obtained leave to sit again on Wednesday.

[CONDUCT OF JUDGE FOX.]—Lord Walsingham presented a petition from Mr. Justice Fox. The petitioner, after referring to the examination of the witnesses, which took place on Wednesday last, stated, that he felt it his duty to submit to their lordships' consideration the situation in which he stood, in order that the hardship of that situation might be removed. He had learned on Wednesday, that the expenses of W. Armstrong, and others, who were parties against him, were defrayed at the public charge. These persons were not only examined as witnesses against him, but were heard by counsel, as was usual, in cases of private petitioners. The charges against him related to transactions which occurred so far back as the summer assizes in 1803, and he had received the first notice of the proceedings on the subject in their lordships' house, through the medium of the public newspapers. The petitioner farther observed, that he had been greatly harassed, and suffered much vexation of mind, by the proceedings against him, and had been subjected to great expenses. But though the expense he had already incurred was considerable, it formed but a small part of that which he would probably be put to. He was thus placed in a situation very unequal to that in which the parties against him stood. He, a public magistrate, was obliged to defend himself at his own exexpense, against private individuals who carried on their prosecution with the public money. The petition also lamented that the duties which many of their lordships had, at this season of the year, to perform elsewhere, necessarily reduced the number of his judges, and wished that it were possible that those who might have to decide on his case should have an opportunity of hearing the whole of the proceedings. The petition concluded by requesting their lordships to take the premises into consideration, and to adopt such measures thereon as to them should seem proper.

The *Lord Chancellor* observed, that the respect which was due to the individual from whom this petition came, as well as to the important matters it contained, rendered it worthy of their lordships' most serious consideration. Had it related merely to matters of a pecuniary nature, he should have proposed to refer it to a committee; but as it embraced several other objects, he thought it more proper that it should become the subject of deliberation in the house. He therefore, moved, that it be taken into consideration on Tuesday next, and that their lordships be summoned for that day. Ordered.—Adjourned.

HOUSE OF COMMONS.

Friday, June 21.

[MINUTES.]—Mr. Pitt's Indemnity bill passed through a committee, was reported, read a third time and passed.—Sir Evan Nepean moved that there be laid before the house an account of what monies had been issued by the treasurer of his majesty's navy, under the act of the 43d of his majesty, relating to the discovery of the longitude; also, an account of the monies disbursed by the board of longitude, from the 1st of June, 1804, to the 1st of June, 1805. Ordered. —The American Colonies Wool Exportation bill was read a second time, and ordered to be printed, and committed on Friday next.—The Poor Clergy bill passed through a committee, reported, ordered to be engrossed, and read a third time on Tuesday next.—The Woollen Manufacturers' Penalty Suspension bill, passed through a committee; to be reported on Tuesday.—A bill was ordered pursuant to the resolution of the committee on the southern whale fishery act.—Mr. Sturges Bourne, pursuant to notice, moved for and obtained leave to bring in a bill to authorise the lords commissioners of the treasury to permit certain articles to be warehoused in certain ports, upon security being given for payment of the duty.—The Coasting Trade Regulation bill, and the Land-tax Commissioners' bill were reported.—The Bark Stealing Prevention bill was read a third time and passed.—Mr. Rix from the excise office presented an account of the number of barrels of herrings cured in the Isle of Man annually. Ordered to lie on the table.—Leave was given to bring in a bill pursuant to the report of a committee, for laying a duty of 3½d. per lb. on all cochineal not imported by the East-India Company.—Mr. Meheux from the board of controul presented an account of the number of soldiers discharged from the East-India Company's service that had returned to Europe from the year 1788 to 1794; also of the number of recruits sent out to India during the same period. Ordered to lie on the table.—Mr

Dickinson presented several accounts respecting the number of ships in commission, the state of the dock-yards, &c. pursuant to the order of the house. Ordered to lie on the table.—The Chancellor of the Exchequer observed, that a ballot to determine the merits of the Middlesex petition stood for Monday, which, with a view to the dispatch of public business, it would be desirable to postpone, as the difficulty of proceeding in a ballot at this advanced period of the session might interfere with that business. It was for the house to consider whether it would not be expedient to put off the ballot to next session, but at all events it was highly desirable to discharge the order for Monday, when it might be fixed for some other day in the week, for the house to have an opportunity of considering the propriety of putting it off to the next session.—After a short interval of consultation, the order was made, by consent of all parties, for Thursday, the 1st of August, being in effect to defer the ballot to next session.

[COMMITTEE OF SUPPLY.—HIS MAJESTY'S MESSAGE, &c.]—The Chancellor of the Exchequer moved the order of the day for a committee of the whole house to consider of the supply to be granted to his majesty. His majesty's message, the estimates for the British museum, the Westminster court-house, the accounts of exchequer bills, the estimates of the board of first fruits, and the usual annual parliamentary grants for offices in Ireland, were referred to the committee. The house having resolved itself into the committee, and his majesty's message being read from the chair,

The *Chancellor of the Exchequer* stated that, as the subject of his majesty's message had been fully discussed in the long debate that had taken place the preceding night, it would not be necessary for him to enter into any explanation of the general ground upon which the house was called on to agree in the vote which it was his intention to propose. It was the less necessary for him to do so, because, in the course of that debate, he had had an opportunity of offering to the house those observations which applied more particularly to the present question; on the general proposition for furnishing his majesty with the means of availing himself of any favourable conjuncture for giving effect to a concert with the other powers of Europe, and for bringing the present contest to a termination, consistent with the essential interests of this country, and the future security of Europe, as far as the same had been recommended in his majesty's message. The only subject to which he had to direct the attention of the committee was the amount of the sum to be voted, being three millions and a half. It would on all hands be allowed, that it was desirable, if an opportunity should offer for making a vigorous effort, under circumstances shewing it to be practicable that such an effort could be made on a large scale, that would be likely to command success and insure the eventual attainment of the object we had in prospect. Gentlemen would recollect, that when he had proposed a sum of five millions for this purpose, it had been at an early period of the session, when the whole year was before them, and there was a probability of a great and continued exertion. He desired, however, not to be understood to mean that it was less desirable now than at a former period, that a co-operation on an extended scale should take place, and he proposed to vote the smaller sum only because at this advanced period of the season there could be no prospect of a continuance of exertion through any considerable portion of the year. He should confine himself to moving, "that a sum, not exceeding three millions five hundred thousand pounds, be granted to his majesty, to enable his majesty to enter into such engagements, and to take such measures as the exigency of affairs may require."—On the question being put,

Mr. *Fox* observed, that after what had passed, both the right hon. gent. and the public would expect that he should give a direct negative to this vote. The right hon. gent. had said that it was not necessary for him to enter into any further explanation on the subject now. He had said the preceding night that it was impossible, and if he still adhered to the same declaration it would be equally valid now as then. This circumstance he adverted to only to shew that the necessity of explanation had not been superseded by any communication to the house. When a minister came to that house for a vote of money, for purposes which he left them to the wildest flights of imagination to conjecture, and said, that it was his duty not to give information, he should reply, that it was his duty to give no money. No one would deny, that it was desirable that we should have as extensive co-operation as possible, but the house had not expressed an opinion on that subject. After what had passed, it was a matter of less delicacy to express an opinion on hypothesis, as to the purpose for which the vote was called for; whether on the hypothesis that it was to enable us to make terms of peace, or on the hypothesis that it was to engage the powers of the continent to co-operate with us in the war. On this head he should state briefly his opinion. It seemed to be the prevailing opinion, that to engage with Russia alone would make our situation more difficult than at present, unless Prussia or Austria could be included in the confederacy: of the first of these powers co-operating there was less hope, of the latter more, though he thought fear a more proper term than hope in the latter case. Without a sure prospect of efficient co-operation, he should feel most unhappy if he were to suffer this vote to pass without entering his protest against it, without warning this country and Europe against the consequences. No man could tell what would be the issue of war; but when they looked to the past, he asked, with what rational hope such a war as the late one could be begun, and with what rational ground of success? Was it intended that, at the present period of the year, when Austria was unprepared, any operations should be undertaken, or only that every thing should be prepared to begin the war in the next campaign? If Austria were to move, and the consequence should be, what was not improbable, productive of serious disasters, what would become of our hopes of continental connexions? what of the liberties of Europe? what of the prospect of setting limits to the power of France, justly and rationally considered already too formidable? Under such circumstances, and on such information, it became wise men to consider well before they should grant any money where the chances were one hundred to one against success. But it was the manner in which the matter was proposed that weighed with him. If we had remained at peace, as he wished we had, and Austria, Russia, or Prussia, had applied to us for assistance in their quarrel, no man would be more ready than himself to agree to granting it. But when we had dashed singly into the war, and, as had been argued the preceding night, for the purpose of rousing the powers of Europe by our example, which we could only exhibit in the case of invasion, that put the question on a different footing. He disliked the phrase to rouse Europe, because the attempt to do so had the effect of producing a disinclination to co-operate with us. Every man knew that the character of the British government in Europe was, that it was actuated by selfish motives in instigating the powers of the continent to war for British interests. He hoped that this opinion was false; but if we should attempt to instigate the powers of the continent to a renewal of hostilities, whilst they wished to remain at peace, whether for the purpose of regaining strength or recruiting their resources, or for whatever other reason, it would alienate the affections of Europe more from us than any inefficiency that could take place in the conduct of the war. If Austria alone were to embark with us in the war, she could not use her exertions with advantage to herself or to us. The interests of both would be identified, could not be separated, and consequently neither could enjoy the full benefit of her exertions. This was a ground for thinking that the result could not be favourable. Austria would be driven to the alternative of concluding a treaty under the same circumstances which obliged her to conclude the treaty of Leoben and Luneville, and to submit to such terms as France should dictate; for it was contrary to all experience and history to suppose, as had been argued, that being engaged to Russia and England, she would be bound to hold out to the last. No country could be obliged by any treaty to hold out to its destruction and lie down under its ruin. There was another alternative which Austria might adopt, which was, to hold out to the end; and might not that conduct endanger the total extinction of the second power in Europe? If she chose, as he thought she would, the former alternative, we should then be driven, after all our efforts and expense, either to make a separate peace, or to carry on a defensive war. He hoped we should not be reduced to that alternative, and should not discuss what should be our conduct in such a case. It would be highly indiscreet in us to form an alliance for the purpose of a continental war with Russia and Austria, and it would be still more indiscreet in Austria, for Russia and Great-Britain would be in a far different situation from that of their ally. If such an alliance could be formed with Russia, Austria, Prussia, and the other powers of the continent, as would gain their good will, without attempting to rouse them before their own interests, in their own view of them, would call for their exertions, such an alliance would afford hopes that we might obtain reasonable terms of peace.

His reason for not voting for the sum proposed was, because no answer had been returned to the propositions of the French government. Time enough had elapsed for obtaining the consent of Russia; and the effect of with-holding explanation from the house on the subject must be, that they would not place any confidence in his majesty's ministers. Was any reputation gained by not returning an answer? Were they not, until some explanation should be given, in the odious situation of having left a pacific proposition six months unanswered? But it had been said, that a few days after the proposition, a message had been sent to the French council in terms not very complimentary to the British government. Certainly we should not be the foremost to notice such expressions, for even the message under consideration contained language not very complimentary to the French government. He was ignorant what propositions his majesty's ministers intended to make, but he had no doubt that they ought to be kept secret till they should be made known at a general congress. If it was their intention to propose terms through Russia to France, he took that opportunity of entreating his majesty's ministers, that they might be reasonable. He did not mean that the propositions should be exactly what they would insist upon as their ultimatum, but that the difference between the extremes of what they should at first demand, and what they should afterwards consent to accept, should be as small as may be. If the propositions should be such as Europe should think unreasonable, or as this government, if in the place of the French government, would think unreasonable, to be accepted; if they should be such only as were to form the grounds of a manifesto on the part of powers previously determined on war, though you should engage the continent in a new war, you would alienate the disposition of Europe from you more than if no terms should be proposed at all. He spoke thus generally, because totally in the dark on the subject, and guided only by conjecture. Whatever we might say of our disinterestedness, whatever of moderation and forbearance, Europe had a different opinion, which might possibly be wrong; but we had a character to gain or retrieve on the occasion. Let the answer to be returned contain propositions reasonable in the extreme, if such a contradiction of terms could be used, the effect would be that they might be accepted, and that would be the only mischief that could result from proposing them. We should then make a separate peace, and could any man contend that there was comparatively any great difference as to the object, whether a peace was to be concluded by Great-Britain and Russia, or upon terms that would be approved of by all Europe, and which all the powers of Europe would possibly guarantee? But if the terms should not be accepted, as some gentlemen were disposed to think that there was no inclination in the French government, though for himself he had some doubts of it, whilst the leaning of his mind was the other way, this would strengthen the argument of those who urged the necessity of rousing Europe. The more reasonable the terms that should be rejected, the greater would be the indignation of Europe at their rejection. He could not help thinking that Europe had been through peace and war against us, and with France. France has now given us an advantage to conciliate all the world, and we should manage it. It was not enough that the indignation of Europe was excited, we should persuade the continent that we had reason on our side, and that the injustice was on the part of France. He was glad of this opportunity of stating his opinion on the general question. As to the particular subject now under discussion, he had nothing to add to what he had stated at the outset, that he could not agree to it. If it was a vote of credit, that would not be novel. When last war a subsidiary treaty had been arranged with Russia, a sum of money had been voted, but then the house knew for what object. In the present case they were told nothing. They did not know whether it was intended for Austria or Russia, or for purposes of enabling us to procure terms of peace, and they had no security that it would not be applied in the manner the house was most apprehensive of. He should therefore give the vote a decided negative.

The *Chancellor of the Exchequer* replied, that when he had said that it was needless to enter further on this question now, he had rested his assertion on the general views which the house had of the object which was designed to be answered by this vote of credit. That object was to form such a co-operation with the continental powers, as would ultimately lead to a secure and lasting peace. Now what he conceived the house to have distinctly agreed in was, that a general concert would be far better than if any attempt had been made at a separate pacification. That was the general opinion, and even the opinion of many of those who did not exactly agree with him. But from what the hon. gent. had now said, he thought that he had abandoned this principle, so far as to say that a separate peace would be better than any concert formed for the purpose either of peace or of war. His observations seemed to go this length, that all attempts at releasing ourselves from our present situation were improper, because it might happen that our affairs might be made worse. This was a mode of reasoning that would lead all the powers of the continent to remain supine under the oppression of France, and never attempt to oppose her schemes of ambition and aggrandizement. Why? because, in opposing these schemes, they ran a risk of making matters worse. But were they to wait till the power of France was much more increased, and much more confirmed? till their own resources were much more reduced than they were at present, and till the power of resistance was gone? This would indeed be exposing themselves to a certainty of having theirs made worse. Surely the hon. gent. could never intend to carry the opinion to this extent. But then he said, that we ought to wait till they were ready, and not to place ourselves in the odious character of the disturbers of Europe. If he were at liberty to enter upon a statement of facts, he might perhaps satisfy even the hon. gent. on that head. This he was not at liberty to do. However, if we were at peace with a country, and endeavoured to excite other nations against it, for views and purposes of our own, undoubtedly this would be to expose ourselves to the odium to which he alluded. But he could not conceive what odium could attach to you, when you were unjustly attacked, if you endeavoured to bring others to your assistance, especially if their interests were equally concerned. No odium, then, could justly be attached to us on this account. It might be perhaps, invidious to involve other nations in war, when your own interest alone was concerned; but in the present case, our own interest and that of the continent were closely connected, as the security of both in a great measure depended upon their co-operation. If you therefore could open the eyes of the continental nations to their true interests, if you could clearly shew them that not only their interests but their salvation depended upon their joining you in opposing an enemy whose object it was to destroy you both, then surely it was not only not unjust, but it was even meritorious, to secure their co-operation if possible. But it ought to be observed, that this might in point of fact be the case, though he only meant to put it hypothetically. The powers of the continent might have doubts as to their ability for prosecuting the war. Now might it not happen that these doubts might arise from their being much more powerful in any other way than in their finances? In this case we might have the ability to remove all these doubts. Was not this altogether fair and desirable? If you were enabled to remove their objections, and to hold out an expectation that they would be supplied where they were most deficient, would it not be both for their interest and your own to do so? When the hon. gent. recurred to the idea of a peace guaranteed by the other nations of Europe, it was above all things to be considered, what was the situation of those powers who were to be the guarantees, and what were their means of preserving it. If they were in such a state of weakness as not to be able to punish a violation of the treaty, to what effectual purpose would their guarantee serve? Viewing the subject in this light, it appeared to him necessary that there should be some concentred system agreed on between us and other powers, before we could properly explain ourselves to France, with respect to that sort of peace which we might think necessary for our own security, and the security of Europe. To establish this sort of concert among the other nations was certainly a subject of much delicacy and difficulty, and it was therefore not at all surprising that the negotiations were not now in such a state of maturity as to allow of a communication respecting them. The hon. gent. seemed to misunderstand the spirit of the answer which was given by his majesty to the overture of peace on the part of France. Nothing could have been more loose or general than the terms of that overture, and certainly the answer was not disdainful or scornful; it was all that the country, under the existing circumstances, could say; for it stated our desire of peace, but at the same time the necessity we felt of consulting the other nations of Europe, with whom we were in confidential intercourse. The French overture stated no specific terms upon which peace could be granted; but the messages of the French government to the legislative body, lay down as a sine qua non of peace, that we shall agree not only to the treaty of Amiens, but to their construction of that treaty on the particular points which occasioned the present war. It would be recollected, that the cause of the present war, as had been expressly stated, proceeded from the general encroachments of France upon all other nations, accompanied by a peremptory demand that we should relinquish that which, in the opinion of our government, and in his private opinion, the country could not, under all circumstances, be called upon to relinquish by the treaty. He did not know how far the judgment of the other nations of Exrope might be induced by the arts and misrepresentations of France to consider the cause of this country as unjust, but he considered, and he trusted the house did, that the war was on our part most strictly just. There was one proposition of the hon. gent. to which every body must agree, namely, that peace should, if possible, be concluded upon reasonable terms. This general proposition was most undeniable, but the difference still existed upon what terms were to be considered reasonable. The hon. gent. seemed to consider, that in order to make the terms reasonable, they should be such as the enemy would accept of. This was a most strange conclusion; at a time when we are at war professedly for the purpose of defending ourselves against the schemes of inordinate ambition which France has manifested, it would be extraordinary to make the criterion of a reasonable peace that which would please France. He was ready to allow that the alliance of Russia alone would not promise such efficacious or powerful co-operation as would make it worth while to protract the war on account of any hope it would hold, or even equivalent for the large vote of credit which was demanded; but it was his opinion that even the limited co-operation of a few of the powers, and for a short time, might be of material service in the course of the war, in protecting those points which the enemy appeared particularly anxious to attack.

Mr. *Fox* replied, that what he had stated, the preceding night was, that the chance of loss in this war appeared to him considerably more than that of any advantage. He considered that this applied also to those powers whom it appeared that he wished to instigate to the war. As far as he was informed of the state of Europe, he believed that if Austria could be allured, and tempted by any subsidy we offered, to engage in a war with France, she would expose herself to the most extreme peril, to a danger far beyond any chance of advantage. In point of fact, he believed the general opinion of Europe was, that in the present war we were in the wrong. This opinion, he feared, was not only very general, but very just. On the general principle of the right of instigating other nations to take part in our quarrel, the only difference between him and the right hon. gent. seemed to be this; the right hon. gent. spoke theoretically, but he spoke practically. He never talked of the injustice of exciting Austria to war, he merely spoke of the impolicy of it, on account of the dangers to which it would expose that power. He never heard any body so sanguine as to expect the assistance of both Austria and Prussia, and if they were on opposite sides we might lose as much on one as we would gain on the other. Perhaps after receiving our subsidy, the two powers might think it better to pair off, as gentlemen often do in this house when they do not chuse to wait for the division. As the right hon. gent. had thought he had not exposed himself with sufficient precision in talking of reasonable terms of peace, he should explain himself as to what he meant by reasonable terms. He thought the criterion of what was reasonable could only be determined by supposing ourselves in the place of the enemy. Such terms as we evidently could not listen to were we in his situation, were terms which would certainly not be reasonable for us to propose or insist on.

Lord *Henry Petty* supported the opinion of his hon. friend who had just sat down. When we were called upon to come to a vote of credit, unparalleled in amount, and under such extraordinary circumstances, we ought certainly to be in possession of all possible information on the subject. Ministers had, however, been labouring for six months to procure information for the house, but in vain; and this, in his opinion, sufficiently evinced the true state of the case. In the absence of all official information, we must have recourse to that inferior species of information which it was in the power of every man to possess. How did that represent the state of Europe? Look to Austria. There was nothing in that quarter to induce us to believe her finances or her armies were in such a situation as to enable her to take the lead in the confederacy against France. The intimate connexion which Prussia had for many years had with France did not seem lessened, but was rather confirmed. Russia evinced no disposition to depart from that cautious policy, which originating with Catherine, and departed from by Paul, was again pursued by Alexander. As to Germany, the homage shewn to the French emperor in his progress down the Rhone, sufficiently proved the sentiments of that country. Every ground was wanting on which such a vote could be justified—the number of the powers, and the character of those powers, the knowledge of the common basis on which they would agree to act, and that that action had peace for its object. We were told we are to vote this money out of the abundant resources of the country. That the resources of the country were such as, by making great sacrifices, might enable us to assist another power in making efforts which parliament should consider as adviseable, he would not deny; but as no information whatever had been communicated to the house, by which they were qualified to judge of the propriety of appropriating a single shilling of the public money to that purpose, he should give his decided negative to the motion.

Mr. *Bankes*, in voting for the motion, declared, that he should not consider himself bound to approve of the subsequent application of the money so voted. He deprecated the system of carrying on wars by subsidies, and contended, that from an examination of the history of the last century, it would be found, that in no case had a foreign power remained in our interest for more than two or three years, after such power had received our money. He said this, because it seemed to be insinuated the preceding night, that some new light had broken in upon those who had formerly held opinions adverse to continental connexions, and that they were ready to come and make the amende honorable for ever having entertained such sentiments.

Mr. *W. Smith* thought the hon. gent. (Mr. Bankes) would have acted more consistently with his protest against being bound to approve of the disposition of the money to be raised by the vote of credit proposed, had he withheld his consent to that proposition until he had ascertained what was to be done with it. He dissented from the motion, on the grounds which had been so ably stated by his hon. friend near him (Mr. Fox). He called on the right hon. gent. opposite to consider the precipice to the brink of which he had brought the country, and the dreadful responsibility that hung over him. There was not a point in which the situation of the country was not infinitely worse than it was when the overture from France was made, and if the negotiation with Russia should fail, the consequence might be most serious.—The question was then put, and carried without a division.—Resolutions for providing a sum sufficient to cover the outstanding exchequer bills in January, and the miscellaneous grants for Ireland, &c. were agreed to.

Mr. *Long* said, that the committee to whom the petition of the trustees of the British museum, praying a sum of 20,000l. for the purchase of certain models of ancient sculpture, late the property, and in the possession of Charles Townley, esq. deceased, had been referred, had made their report in favour of granting that sum, as they thought the purchase a very cheap one, and that it could not fail to prove of the greatest advantage to the artists, and the fine arts, in this country. Having stated this as the opinion of the committee, he would not trespass on their time further, than to move, "that a sum not exceeding 20,000l. be granted to his majesty, to enable the trustees of the British museum to purchase the said collection."

Mr. *W. Smith* said a few words in favour of the motion, and gave it as his opinion, that it was the best bargain that ever was made for the public.

Mr. *Bankes* spoke in the highest terms of the excellence of the collection, and the great benefit the fine arts in this country would certainly derive from its being accessible to the public. He mentioned, however, that Mr. Townley had, by his will, left a sum of 4,500l. towards building a gallery to contain the said collection, for the purpose of letting the public have access to it. The brother and relatives of Mr Townley were persons of large fortune, and very liberal sentiments, and had offered the collection to the public at a very cheap purchase, rather than be at the trouble of building a gallery, and at the risk of breaking those valuable marbles in the removal. He thought, therefore, there was a chance, if the house did not agree to the purchase, that in the end the public might perhaps get the collection for nothing. He hoped, if the purchase was made, some care would be taken by the house to make regulations in favour of the public.—Sir W. Young, Mr. Corry, and Mr. Wilberforce, said each a few words, in favour of the purchase, and in praise of the collection.

Mr. *Windham* said, that the hon. gent,

(Mr. Bankes) who had spoken so favourably of this collection, as well as of the liberality of the present owners, had supposed, that if the house did not agree to the purchase, the public might get them for nothing. Yet he begged the committee to consider, that if the house did not agree to the purchase, by the same rule, the public might not get them at all. He retained, therefore, the same opinion he had expressed in the committee, that the collection was highly valuable, and the purchase a cheap one.—This resolution was then unanimously agreed to, and the house having resumed, the report was ordered to be received on Monday.

The house then, on the motion of the chancellor of the exchequer, resolved itself into a committee of the whole house to consider of the ways and means for raising a supply, in which a resolution was agreed to for appropriating towards the supply 14,500,000l. arising, or to arise, from acts of the 43d, 44th, and 45th years of his majesty, for granting certain duties during the present war, after deducting what had been applied for the service of the last year.—Also resolutions were voted for raising eight millions, two millions five hundred thousand pounds, and one million five hundred thousand pounds, by loans on exchequer bills. The house being resumed, the report was ordered to be received on Monday, on which day the house agreed to go into a further committee of ways and means.

[Duke of Atholl's Claim.] The chancellor of the exchequer moved the order of the day for the further consideration of the report on the subject of the claims of the duke of Atholl for compensation for the loss of the revenues, regalities, &c. of the Isle of Man.—The house having accordingly resolved itself into a committee of the whole house,

The *Chancellor of the Exchequer*, after a short history of the island, and the revenues, regalities, &c. of the noble duke in this island, and which his ancestor parted from for an inadequate consideration, in 1765, moved a resolution, the substance of which was, that the present duke of Atholl, his heirs, &c. be allowed one-fourth of the produced revenues of the Isle of Man, which, being estimated in gross at about 12,000l. would yield to the noble duke an income of about 3,000l. per annum.

Mr. *Curwen* opposed the resolution very strenuously.

Mr. *Creevey* also opposed the resolution, and alledged that there had been a great deal of disgusting canvassing on behalf of the noble duke's interest in this matter, and that if the measure was carried, it would be owing to such canvassing.

Mr. *Sheridan* kindled at this expression, and said he knew of a great deal of canvassing against the noble duke upon this subject, and of cards being printed and circulated for that purpose. He had been himself canvassed in that manner, he had been also canvassed on behalf of the noble duke, but that was by a perfectly respectable person, who only desired him to look into and thoroughly understand the subject before he voted for it; he had done so, and the result was a conviction of the propriety of the claim of the noble duke, for whom he had no partiality whatever, but he followed the dictates of his conscience. He could not help lamenting that his hon. friends who opposed this measure did not understand its merits so well as they ought to do, before they took such a course of opposition to it.

After some further conversation, in which Mr. Windham and Mr. Wilberforce opposed the duke of Atholl's claims, and Mr. Rose and lord Glenbervie supported them, sir William Young moved an amendment, to grant a compensation to the duke of Atholl annually, out of the consolidated fund, equivalent to one-fourth of the gross revenues of the island This was acceded to by the chancellor of the exchequer. A conversation of some length ensued between Mr. William Smith, lord de Blaquiere, and several other members. At length the house divided, for the amendment 79, against it 26, majority 53. — The house was resumed, and the report ordered to be received on Monday.—Adjourned.

HOUSE OF LORDS.

Saturday, June 22.

[Conduct of Judge Fox.] The house met by special adjournment at one o'clock, and soon after their lordships resolved into a committee, for the farther consideration of the case of Mr. Justice Fox. The remaining witnesses upon the charge under consideration being examined, Mr. Romilly, in a speech of considerable length, summed up and commented upon the effect of the evidence; at the conclusion of which the counsel were ordered to withdraw. The house then resumed, and

Lord *Hawkesbury* gave notice, that on Tuesday next he should submit a motion to their lordships for suspending the proceedings in the case of Mr. Justice Fox, during the present session. He should, on the same day, present a bill to the effect he had formerly stated, namely, to continue the proceeding in the state they then were in the next session of parliament.

[THELLUSSON'S APPEAL.]—Lord *Mulgrave* called the attention of the house to the circumstances in which this important cause stood before their lordships, for the purpose of submitting a motion thereon, to which the house, he trusted, would, in its wisdom and justice, accede. He expatiated upon the peculiar nature and importance of the cause; a cause involving on the one side the dearest and most important interest of the parties, as far as worldly interests could be dear and important; it was therefore one which, abstracted from the peculiar and singular circumstances of its nature, upon which their lordships ought not to decide, except in the most solemn and deliberate manner. What he intended to propose was, first, that the order for the attendance of the judges to deliver their opinions upon it on Tuesday be discharged; and, secondly, that the case should be reheard. Their lordships would recollect the great length of time since the case was argued at their bar, and the changes that had taken place in the interval. Since that time they had lost that great man and profound legal judge, the late chancellor, who gave the original decree in the cause, but who had recommended the parties to take the decision of the highest court of judicature in the kingdom upon it. They had lost also that worthy man and excellent lawyer, whose knowledge and learning in subjects of the nature of that alluded to was particularly great; he meant the late lord chief justice of the court of common pleas, for whom his private friendship was as great as his esteem for him as a lawyer. There were, since the period of the last hearing of the case, two new judges appointed, men certainly every way adequate to the station. The one remarkable for his long and incessant forensic practice, and his profound erudition in every branch and department of the law; he meant lord chief justice Mansfield: the other, one for whom he had the strongest personal regard, and of whose fitness in every point of view for the station to which he was exalted, Mr. Baron Sutton. There were also many changes amongst the noble members of that house, and those who were definitively to judge the merits of the question. These were cogent and conclusive reasons for the rehearing of the case, such as he thought no man could be founded in objecting to. The delay he proposed might be productive of the highest possible advantages, with regard to the interests of real justice on the one side, and, on the other, it could not possibly be attended with injurious consequences; for, accumulation being the object, that would go on of itself, and could not, by delay, be impaired. Added to this, what their lordships would have to decide upon was merely a dry abstract point of law. Their decision would involve no great legal or political principle; for the principle which the case had involved no longer existed; it was discountenanced by the legislature, inasmuch as, shortly after the case was known, a bill was brought in to prevent the recurrence of similar instances. The delay which he proposed was one which he must suppose, in the first instance, would be acceded to by his noble friend on the woolsack; judging from the kindness and candour of his nature, his conscientious anxiety to do every thing that was right, and even from that laudable diffidence which he seemed to have in his own judgment, though no man in the kingdom had less reason for such diffidence. Under these impressions, he thought he should have the concurrence of his noble and learned friend, and, under the considerations he had adverted to, that their lordships would generally accede to his proposition, which would afford them an opportunity of giving a more mature, deliberate, and correct decision upon a case of such great and singular importance. The noble lord then moved the first of his propositions, in regular order, which was, "that the order for the attendance of the judges on Tuesday next, to give their opinions in the case of Thellussons and Woodfords, be discharged."

The Earl of *Westmorland* decidedly approved the proposition of his noble friend, and enforced the consideration of some of his leading arguments. Let us look, said his lordship, at the question as it stands; a question of the greatest importance to the public as well as to individuals. This case was, in the first place, brought to the court of chancery, it was considered of such difficulty that the chancellor thought it necessary to call to his aid three judges from the other courts. These judges concur in opinion; but, if any credit can be given to the law reports, upon grounds separate, discordant, and militant against one another. The chancellor having given the judgment, in conformity to that opinion, advised the parties to appeal to the house of lords. The case was, of course, appealed to the lords, was heard with that attention which your lordships, as is your duty as well as practice, pay to the causes before you. A case was referred to the judges; their opinion has not yet been delivered; since that period, considerable alterations have arisen. In the first place, at least 30 new members have been added to this house, who are to decide upon a question, upon which they have not had an opportunity of hearing one word. In what situation does the house then stand with the public? are we judges in dernier resort, or are appeals to be considered as illusory and useless? Next, we have had the misfortune to lose the able person who sat upon the woolsack and decided this case; and also the chief justice of the common pleas (one of the judges who gave an opinion on the case) so that in this important case we are deprived of knowing the grounds upon which the appeal was recommended. Since that period two new judges have been received on the bench; one of them, the chief justice of the common pleas, the first equity lawyer in the kingdom, whose opinions have almost been held as oracular, the other his majesty's late solicitor general, likewise very eminent in this particular branch of the profession. Under these circumstances, justice would require of your lordships to obtain every information possible upon such a case as the present, and have the assistance and advice of those able persons, which can only be had by ordering a new hearing; a favour seldom refused to persons desiring it. Even in ordinary cases, the subjects of this land have a right to the opinion of the twelve judges, whilst the petitioners would have only the opinion of ten of the judges, should their petition be rejected. No possible injury can arise to any party by the delay; the directions of the will were fulfilled, as accumulation continued; neither could it be said that the delay would affect any other question, as the legislature had decided this will to be so dangerous, that it had passed an act to prevent similar devices, and it could operate on no other cause, as it had been stated, and not denied, that there was no case similar to it in any record of the law. No injury, therefore, could arise from the rehearing of this cause, as by so doing your lordships would shew your attention to justice; would obtain every information that could be had upon the subject; and the petitioners would feel, that in submitting to the judgment, whatever it might be, your lordships had given every opportunity of stating their case: whereas, if this was refused, they would feel that they were not allowed those opportunities which were granted in more ordinary cases. If all the judges concurred in one opinion, you would know all the wisdom of the law was with you; but if you gave an opinion without such concurrence, you may, perhaps, hereafter think that you have decided against individuals, when if all the wisdom of the law had been collected, you might have had different advice. It may be said, that the same objections may again occur of change of judges, or members of this house; no doubt this objection does apply to grant delays, it is a reason why the delay should not have continued to the present period; but the delay having arisen, it is no reason we should decide without due deliberation, without due investigation, without some members having any information on the subject, and without all the advice we are entitled to; let the case be fairly argued, and an immediate decision given.

The *Lord Chancellor* observed, that the noble lord who made the motion, and the noble earl who so decidedly supported it, seemed to think, that the decision of the house would depend upon his individual recommendation. He was fully aware of the great and particular importance of the case; and, from his view of every thing connected with it, he was firmly of opinion, that the character of the administration of justice of the country, should not be brought into question, by their lordships acquiescence in what was now proposed. His noble friend who made the motion argued, as if the case in question was a singular and unique case, and productive of no effects beyond itself. But he could tell that noble lord, that a great number of cases, of wills particularly, in a great degree depended, as to a final decision, upon the ultimate decision of their lordships. He knew what had been the living and dying judicial opinion of the great law authority adverted to upon the case; what professional men might say, other than in their characters of lawyers and judges, was not so much to be relied upon; but this he believed, that as to the real legal merits of the question, no lawyer with a gown to his back, had any difference of opinion, or would hesitate to declare it instantly, were it only in a case of ten pounds; they would see, therefore, how much of the deliberation and caution which had obtained, derived from the consideration of the immense property involved, and the particular bearings of the case in other respects. The cause had certainly been a very long time under consideration, and it was nearly two years since it was argued and discussed at their lordships bar. Proceedings tending to the final decision were more than once postponed, and at one time to another session, at the instance of a noble and much respected learned friend, now no more, on account of the absence of the noble lord himself (Mulgrave) on professional duty. Besides, the consideration of the judges having to deliver their opinions on Tuesday could be no possible reason for their lordships then coming to any premature resolution, as to subsequent proceedings. Whether the judges should be unanimous in their opinions upon the case, or not, it would not go to preclude the house from exercising its judgment, or its discretion as to the future preferable line of conduct. When the judges should have delivered their opinions, it would be time enough for the consideration of the most material part of what the noble lord proposed, but, under all the circumstances of the case, and the proceedings hitherto adopted, he could not give his assent to the motion of his noble friend.

Lord *Mulgrave* spoke in explanation, and pointedly adverted to what transpired from the noble lord on the woolsack, respecting his having, on the suggestion of a noble and learned lord, now no more, consented to postpone the consideration of the case in question from one session to another, on account of his own necessary absence on professional duty. Such a proceeding was not only without his concurrence but without his knowledge, and what he must disclaim as any argument against his proposition for further delay; but surely, if his noble and learned friend had consented to postpone the business on such a ground as that, on the absence of an individual peer, who professed to know nothing of the law, and who never troubled the house with observations on the subject, surely he could not consistently refuse to accede to his proposal, on the strong grounds which had been laid for it; and which involved the opinions, either as left to the house, or as not having the case regularly argued before them; of four men, either great and eminent authorities, or profoundly versed in the science of the law.

The *Lord Chancellor*, in explanation, was free to confess, it would have been better, had the noble and learned person alluded to, never made such a request, or, that he had not acceded to it.

Lord *Hawkesbury* observed, that with respect to what was thrown out as to the influence which the opinions of the noble lord on the woolsack, and of the learned judges, must have upon the decision of the house, for his part, his vote upon questions of that kind would be regulated by the confidence he should have in those sages of the law. At the same time, he admitted, that it was perfectly competent to any noble lord to deliver his opinion upon subjects of the kind, and to decide according to the dictates of his own judgment, and such was perfectly in unison with the appellant jurisdiction of that house. With respect to the grounds which his noble colleague considered as adequate for doing that which might tend to postpone the decision of the house upon the case in question a considerable time longer, he could by no means regard them as such. Were they to postpone proceedings of the kind, on account of the demise of one or two of his majesty's judges, and the appointment of others in their room, or the loss by death of one or two members of that house, however respectable, things continually occurring, they might put off their decisions to eternity.—The question was then put, when the motion was negatived without a division.—Adjourned.

HOUSE OF LORDS.

Monday, June 24.

[Minutes.] The Military Commissioners' Mistake bill, the Loyalty Loan bill, and the Fish Bounty bill, passed through committees, and were reported. Some other bills on the table were forwarded in their respective stages; after which the house adjourned.

HOUSE OF COMMONS.

Monday, June 24.

[Minutes.] The Land Tax Redemption bill was read a third time and passed.—On the motion of Mr. Wellesley Pole, several accounts were ordered to be laid before the house of the number of officers, non-commisioned officers, and privates in the royal artillery, royal artificers, &c. stating the total number of those corps in Great Britain and Ireland on the 1st of June, 1805.—Lord

Glenbervie brought up the report of the select committee on the eleventh report of the commissioners of naval enquiry; which was ordered to be printed.—Mr. Serjeant Best gave notice, that on Monday he would move certain resolutions founded on the above report, provided that it was printed time enough to allow the house to become sufficiently acquainted with its contents.—Sir J. Stewart brought up the second report of the committee on sir Home Popham's conduct; which was ordered to be printed.—The Irish Civil List bill was read a third time and passed.—The Irish Infirmary Regulation bill was read a second time, and ordered to be committed to-morrow.—The house went into a committee on the report of the committee on the Pilchard Fishery bill, in which it was agreed that a certain additional bounty should be given on every barrel of pilchards.—Mr. Rose brought in a bill for granting certain premiums on the southern whale fishery; which was read a first time.—The Irish Loyalists' Compensation bill passed through a committee, and the report was ordered to be received to-morrow. The Coasting Seamens' bill was read a third time and passed.—Mr. Higham, from the commissioners for the reduction of the national debt, presented an account of the quantity of stock redeemed of the Irish debt. Ordered to lie on the table, and to be printed.—On the motion of lord Archibald Hamilton, the house went into a committee on the Corn bill. A long conversation arose on the manner of taking the average for exportation in Scotland, which was stated by lord A. Hamilton, Mr. M'Dougall, and other members for that part of the empire, to be very oppressive in its present form. Mr. Pattison, Colonel Stanley, &c. were willing to give every relief to Scotland, but without making any alteration in the mode of taking the average for exportation in England. Mr. Foster wished to introduce an amendment putting corn exported from Ireland into Great Britain on the same footing as corn imported from foreign countries. On this, and amendmetnts proposed by other members, the gallery was repeatedly cleared for a division. During the latter part of the discussion, strangers were excluded for a considerable time. On our re-admission into the gallery we found the speaker in the chair, and understood, that the different clauses of the bill having been gone through, the house resumed, and the report was received and read, after a division, in which the ayes were 40, the noes 9; majority 31.—On the motion of the chancellor of the exchequer, a select committee was ordered to be ballotted for to-morrow, on the secret part of the eleventh report of the commissioners of naval enquiry.—On the motion of the secretary at war, returns were ordered to be laid before the house of the total effective strength of the British army at home and abroad up to the latest returns; of the number of men wanting to complete the infantry and cavalry, distinguishing the foreign corps from the British, and the men enlisted for general and limited service; and of the number of men enlisted from the militia into the regular force, distinguishing those enlisted into the line, into the artillery, and into the marines. The secretary at war presented the last-mentioned returns, which were ordered to be printed. After a short conversation between the secretary at war and colonel Craufurd, it was ordered, on the motion of the latter, that there be laid before the house an account of the number of men volunteered from the militia included in the returns of the regular force up to the 1st of May.—On the motion of sir J. B. Warren, the house went into a committee on the report of the committee on the petition from the trustees of the naval asylum, when a resolution having been agreed to, that a sum not exceeding 20,000l. should be granted to his majesty, for the support of that institution, the house resumed, and the report was ordered to be received to-morrow.—Colonel Stanley brought up the report of the committee on the Duke of Atholl's petition. After a few words from Mr. Curwen, who declared his determination to oppose the measure in a future stage, and some observations from Mr. Creevey, Mr. Sheridan, Mr. Giddy, Mr. P. Carew, Mr. Rose, and Mr. Wilberforce, the resolutions were read and agreed to, and a bill ordered in pursuance thereto.—On the motion of the chancellor of the exchequer, the house went into a committee on the report relative to the improvement of Plymouth harbour, when a sum of 25,000l. was voted for that purpose.—Ordered, on the motion of Mr. Foster, that the house should to-morrow go into a committee, to consider of the duties on Spanish red wine.—Mr. Sturges Bourne obtained leave to bring in a bill to abolish the fees of certain officers of customs, and to ensure a more regular attendance in the discharge of the duties of their office.—Mr. Sturges Bourne brought up a bill for authorising the lords commissioners of the treasury to permit the warehousing of goods in certain ports upon security for payment of the duties; also, the inland coal importation bill; and Mr. Huskisson brought up the Cochineal Dust Duty bill; which were severally read a first time.

[Impeachment of Lord Melville.]—Mr. *Leycester*, adverting to the notice given by a right hon. friend of his (Mr. Bond) of a motion to-morrow, to exclude from the proceedings of the attorney-general against lord Melville the affair of Mr. Jellicoe, gave notice that he should at the same time move that an impeachment of lord Melville be substituted for the criminal prosecution.—Adjourned.

HOUSE OF LORDS.

Tuesday, June 25.

[Thellusson's Appeal.]—The order being read for the attendance of the judges for the purpose of delivering their opinions respecting this long pending appeal, the same was read at considerable length by the lord chief baron; the result of this was in favour of affirming the decree of the court of chancery.

The *Lord Chancellor* then addressed the house in a speech of some length, repeating his opinions upon the case. In the course of his observations, he referred to various authorities, particularly to that of lord chancellor Thurlow. With respect to his own opinion as to the main law points of the case, he could never bring his mind to entertain any doubts upon them; they involved those rules of construction which had for ages applied with respect to wills. Under this conviction, he certainly should feel it his duty to give a negative to any proposition tending to reverse the decree; the noble and learned lord concluded by moving a resolution, tending to affirm the decree; which, on the question being put, met with no opposition; and it was forthwith ordered accordingly.

[Arrest of Mr. Justice Johnson.]—The Duke of Cumberland presented a petition from Mr. Justice Johnson. The petition, after setting forth the leading circumstances of his case, stated in substance, that the petitioner was put to very considerable expense in defending himself in a cause now depending in his majesty's court of King's Bench. That he was informed that a bill (the Felons' Escape) was in that house, which contained several clauses, which if passed, would have the effect of an ex post facto law upon his cause, and prayed that their lordships, in their wisdom and justice, would so amend such clauses, as that the law, at the time of the alledged offence, might not be altered. The petition was ordered to lie upon the table.

[Colonial intercourse with America.]—Lord *Holland* wished to know, what was the nature of the orders which had been sent by government to the lieutenant-governor of Jamaica, relative to the trade between that island and the United States; and whether any orders had been sent out since the 21st of May for discontinuing the restriction on the importation of goods in American bottoms?

Earl *Camden* said, that the lieutenant-governor had not received any orders to prevent the suspension of the law, in cases of necessity, against the importation of goods from America.

Lord *Holland* then asked, whether the house was to understand that no orders had been sent to enforce the restrictions on the trade between the United States and the West India islands?

The *Duke of Montrose* observed, that the state of the law on the subject in question was this: According to the navigation act, there could be no communication between the United States and the British West India islands, except in British bottoms. But a power was given to the governor of every island to allow the importation of provisions and other articles in cases of necessity. It having appeared, however, that some irregularities had arisen in the exercise of this power, and that a too general importation had been permitted, directions were sent out to the governors not to make too frequent use of the discretion which they possessed. There was no ground for supposing they were prohibited from suspending the restriction; they were only required not to give way to too great a facility of importation.

Lord *Holland* said, that the noble duke seemed disposed to volunteer a reply, which it belonged to the noble earl (Camden) to give, but which, at the same time, was far from being satisfactory. Indeed all he had heard convinced him that the restriction had been improperly enforced; and he conceived it to be his duty to move for such papers as might tend to elucidate the subject. He therefore gave notice, that he should move for copies of all petitions from the West India islands, and all correspondence between the governors of the islands and his majesty's government, respecting the trade with America, from the commencement of the present war with France to the 21st of May last.

The *Duke of Montrose* observed, that if he had volunteered an answer, it was given on good authority; but he left it to the house to judge whether his interference or that of the noble lord in this business had most the appearance of volunteering.

The Marquis of *Buckingham* said, that the lieutenant-governor of the island of Jamaica had understood his hands to be tied up by the orders transmitted to him from government.

Lord *Hawkesbury* said, he entertained no doubt whatever, but that the governor of Jamaica would appear to have been perfectly justified in every thing which he had done.

[CONDUCT OF JUDGE FOX.]—The order of the day for considering the petition of Mr. Justice Fox being read,

Lord *Hawkesbury* moved, that such part of the said petition as relates to expenses, be referred to the committee already appointed to consider of the expenses incurred by other persons concerned in the proceedings. His lordship then observed, that he had given notice of a motion for suspending the proceedings in the case of Mr. Justice Fox. In conformity with that intention, he was now about to introduce a bill for continuing over the proceedings to the next session. A noble lord, who was not then in his place (lord Grenville) had stated, that he had strong objections to this measure. As that noble lord was absent, he should reserve the reasons he had to urge in support of this measure until the second reading, which he intended to move on Thursday.—The bill was read a first time, and ordered to be printed.

The *Lord Chancellor* observed, that a similar measure had been thought necessary in the case of sir Thomas Rumbold, but the precedent which came nearest to the course now proposed by his noble friend was, the impeachment of Mr. Hastings. A bill had then been brought into the commons for continuing over the proceedings. It was still, however, for their lordships to determine whether they would adopt that course in the present instance.

Lord *Hawkesbury* said, he could not, consistently with the forms of the house, propose that an order should be made for the second reading, until printed copies were on the table. As it was his wish, however, that it should be read a second time on Thursday next, he now moved, that their lordships be summoned for Thursday.—Adjourned.

HOUSE OF COMMONS.

Tuesday, June 25.

[MINUTES.]—A message from the lords informed the house that they had agreed to the Land-Tax Commissoners' bill, the Loyalty Loan, the Barrack Master General's bill, the London Fish Bounty bill, and the General Turnpike-road bill, the latter with amendments, to which they desired the concurrence of the house. Their lordships also requested a copy of the report of the select committee on the tenth report of the naval commissioners. The messengers were informed that the house would send a message to their lordships' request by messengers of their own.—The house resolved itself into a committee on Weston's Divorce bill; and heard counsel and evidence in proof of the adulterous intercourse.—The house then proceeded to ballot for a committee to examine the secret matter contained in the eleventh report of the commissioners of naval enquiry.—Mr. Whitbread moved for several accounts of balances in the hands of the receiver-general of the post-office, and of the stamp-office, from the year 1793, to the 5th of April last, together with the names of the persons in whose hands the balances were.—A message on the motion of Mr. Sturgess Bourne, was sent to the lords, that their house would send their lordships a copy of the report of the select committee on the tenth naval report.—Mr. Whitbread adverted to the royal commission issued for the adoption of improvements in the affairs of the navy, and wished to know, from the right hon. gent. opposite, whether any alteration had taken place in that commission, in consequence of the promotion of the person whose presidency was considered as the surest pledge of its efficacy, sir C. Middleton, now lord Barham. The chancellor of the exchequer said a few words in answer, in a very low tone. The import as well as we could collect it, was, that lord Barham was still at the head of that commission.—Sir W. Burroughs brought up the report of the committee appointed to inspect the ballot for a committee to examine the application of the 10,000l. mentioned in the eleventh report of naval enquiry as applied to secret service. The seven persons chosen were lord Castlereagh, lord Glenbervie, Mr. Windham, Mr. T. Grenville, Mr. R. Ryder, Mr. Canning, and Mr. Serjeant Best. It was ordered on the motion of the chancellor of the exchequer, that four of the said committee be a quorum.

[NAVAL ADMINISTRATION OF EARL ST. VINCENT.]—Admiral *Markham* having moved that the papers relating to the navy, which were presented to the house on the 19th instant, should be printed, which was ordered, he then adverted to a notice which had been given by an hon. gent. (Mr. Jeffery) for Thursday, of a motion founded upon the Papers respecting the Navy. It was not possible, he said, that the papers for the printing of which he had moved could be printed in time for the house to be in possession of their contents by Thursday; added to which, the papers for which he had moved were not yet all of them before the house. He hoped, therefore, the hon. gent. would consent to postpone his motion.

Mr. *Jeffery* said it would have given him great pleasure to have complied with the hon. admiral's request; but he thought it high time at this late period of the session that the country should be made acquainted with the state of its navy, and with the conduct of those by whom it had been managed.

Admiral *Markham* thought it very extraordinary that the hon. gent. being in possession of the papers on one side of the question, should refuse to give time for the production of those on the other side. If more time was not given for this purpose it would be impossible for him to meet the question as it deserved. He had a right to ask to be allowed the opportunity and the means of defence, as being a member of that board of admiralty, the noble lord at the head of which had been accused by the hon. gent. of being the worst enemy of his country. It would be extremely strange if the accuser should bring in his accusation, and he (admiral M.) should not be allowed the opportunity of making his defence.

Mr. *Jeffery* was proceeding to comment upon what had fallen from the hon. admiral when he was called to order by the speaker, who reminded him that there was no question before the house. He then contented himself with stating, that he did not think it necessary to postpone his motion.

The *Chancellor of the Exchequer* said he could not help wishing that the hon. gent. would not press his motion on the day for which it was at present fixed. Under the circumstances of the case, he did not think the house would be enabled to enter into that full detail upon the subject which must of course, be desirable, the papers moved for by the hon. admiral being not yet all of them before the house.

Mr. *Jeffery* said the papers moved for by the hon. admiral were of little or no consequence with respect to the subject which he intended to bring forward in the house. The hon. member was again proceeding, when he was stopped by the speaker, and the conversation ended. Mr. Jeffery's motion remaining as before fixed for Thursday.

[PAPERS RELATING TO THE NABOB OF OUDE.]—Mr. *James Paull* rose and spoke as follows:—When I imposed upon myself the task of bringing under the consideration of parliament the case of the nabob of Oude, and urging grave matter of charge against the marquis Wellesley the governor-general of India, I was fully and deeply impressed with the arduousness of the undertaking and with the difficulties and obstacles I had to encounter. I was aware of the indifference, not to call it by any other name, that pervades this house and the nation in general, as to the affairs of India, whether as regarding the honour and good faith of the British character, or as connected with the pecuniary affairs of the country; what such apathy and indifference have led to, I shall not at present stop to enquire, but in the administration of the marquis Wellesley, we have seen India deluged with blood, its princes dethroned, its ancient families ruined, and the spoils of our nearest allies added to the resources of the company, without exciting a sentiment of disapprobation on the part of the British legislature.—I was aware that in the course of the proceedings I should have to submit to parliament, I had to arraign, to stand forth as the accuser of a nobleman high in his country's service, and whose conquests in his oriental career, have given a brillancy to his administration, in the eyes of his countrymen; a nobleman, of extensive influence, and possessing powerful connexions in both houses of parliament, and I could not for a moment forget, that the individual who had to surmount these difficulties was a new man and a very young member of this house.—So circumstanced, and amidst such difficulties, I had, however, some very considerable consolation; I knew that the motives that impelled me to stand forward on this occasion were pure and unquestionable, and the matters I had to urge, plain and simple, founded on truth and justice, and standing in no need of eloquence to force themselves on the consideration of parliament.—I had merely to say, that a prince, the highest in rank and dignity of all the powers of Hindostan, the most faithful of all the allies of the company, and paying the enormous tribute of 900,000l. annually, had, in defiance of justice, and in the face of the most solemn treaty, been dispossessed of a country containing upwards of three millions of attached subjects, and producing a revenue of nearly two millions of pounds sterling yearly; with the alternative of resisting injustice and oppression by force of arms, and experiencing the fate of all those that have attempted to oppose the encroachments of the company's governors abroad.—I had only to assert that the case of this unhappy prince, degraded and disgraced in the eyes of all the world, exceeded in hardship, in every point of view, and in all its bearings, that of rajah Chyt Sing, the prince of Benaris, for whose expulsion from his dominions Mr. Hastings was impeached by the commons of Great-Britain, with this marked and essential distinction, that Chyt Sing resisted demands that he thought oppressive, whereas the nabob vizier, the prince of Oude, submitted to every demand however illegal, however oppressive, however unjust. — As to the other matter of charge, the expression of it was equally clear from difficulty; I had only to say, that the marquis Wellesley had violated the laws of his country, having in defiance of an act of parliament appointed his own brother to a station of dignity, trust, and emolument that he was incompetent to hold, and if this house has been well employed in punishing breaches of acts of parliament committed at home, I put it to every man to consider of the consequences of overlooking offences against the law committed at the distance of 13,000 miles from the mother-country, where the object is attained, as in this case, for which the offence is committed, before representation can be made, far less redress obtained.—When I intimated my notice for this day, it was my intention to have entered pretty much at large into the transactions in Oude, and into the cause and effects of this violation of law, but that is rendered unnecessary from a variety of circumstances.—When I consider the very advanced period of the session, and the quantity of public business that must yet unavoidably occupy the time and attention of parliament, I am satisfied of the utter impracticability of making much progress, far less of bringing this business to any issue, during the present session, and I am therefore only desirous for the production of various documents to ground the charges I shall hereafter urge against the marquis Wellesley. — Another motive that weighs deeply with me for not precipitating this business is, the almost certainty that the noble lord will shortly be in England; for I am most eager, and anxious, that he should be present to hear, see, and comment upon every part of my proceedings; no man, admires more than I do, some parts of that noble lord's character, but I have to lament in common with every man who has turned his thoughts to India, and in common with all the nations of Hindostan, that lord Wellesley's spirit of aggrandizement, his love of power, and insatiable ambition have led him into errors and mistakes, that have shook to its base our very existence in India, and to consequent acts of great injustice and oppression.—I move that there be laid before this house :—1. "Copy of a minute of sir John Shore, (now lord Teignmouth) late governor-general, detailing the measures adopted in Oude, which led to the deposition of vizier Ally, and placing on the throne the nabob Sadaal Ally, together with the treaty concluded on that occasion.—2. Copy of the minute of sir John Shore (now lord Teignmouth) dated the 5th of March, 1798; and his letter to the secret committee, or court of directors, explaining his reasons for concluding the above treaty, and his final arrangements in Oude.—3. Copy of a general letter to Bengal, dated the 15th of May, 1798, in the political department, as far as regards sir John Shore's conduct in the arrangements for Oude.—4. Copy of the correspondence between the governor-general marquis Wellesley, and John Lumsden, esq. and col. William Scott, the British residents in Oude, as far as relates to the new arrangements proposed for that kingdom by lord Wellesley, until the conclusion of the treaty of Lucnow in 1801.—5. Copy of the instructions and correspondence between the governor-general and the Hon. Henry Wellesley, sent to Oude on a special deputation in 1801, as far as they regard the nabob Sadaal Ally, and the treaty concluded with that prince, Mr. Wellesley having been present on the occasion.—6. Copy of all communications to the secret committee or court of directors by the governor-general, respecting, the nabob Sadaal Ally, previous to or after the conclusion of the treaty of Lucnow in 1801, so far as the same may relate to the said treaty, and the management or revenues of the nabob's provinces.—7. Copy of the treaty between the nabob Sadaal Ally and the company in 1801.—8. Copy of the settlement of the countries called the Ceded Provinces, for three years, made under the direction of the Hon. Henry Wellesley, whilst lieutenant-governor of those provinces.—9. Copy of the general letter from Bengal, in the revenue department, in 1803-4, reporting on the collections of the Ceded Provinces.—10. Copy of the minute of the governor-general, appointing the Hon. Henry Wellesley lieutenant-governor of the provinces obtained from the vizier, and marquis Wellesley's letter to the secret committee, or the court of directors, on that occasion.—11. Copy of a letter from the court of directors, or the secret committee, to the Bengal government, annulling such appointment:—so far as these various documents may be disclosed without prejudice to the public service."

Lord *Castlereagh* said, as he did not mean to object to the production of the papers moved for by the hon. gent., he should not now enter into the subject. His only wish was, that the house would keep their minds perfectly open relative to the circumstances adverted to by the hon. gent. until the time should arrive when the subject might be fully and fairly discussed. There was one part of the subject, however, on which he wished to say a few words, in order that no unfavourable impression might go abroad, in consequence of what had been stated by the hon. gent. He alluded to the appointment of Mr. Henry Wellesley on a special mission in the province of Oude: Mr. Henry Wellesley was placed by the marquis, his brother, at the head of a commission in the province of Oude, for the purpose of placing the revenues and establishments of that country on a proper footing, in which service he actively and successfully employed himself, but for which he received no emolument, except what he derived from the office which he before held, and which he continued at that period to hold, that of private secretary to the governor-general. So far, indeed, from deriving any additional advantages from his employment in Oude, his health was seriously injured by his exertions whilst employed upon that service.

Sir *W. Burroughs* did not think it fair that the hon. gentleman's opening should be attended with such expressions against the noble marquis: with respect to the legality of the appointment, it had been his lot to hold an official legal situation in Bengal for ten years, from which he was well acquainted with the subject, and he did not think the appointment of Mr. Henry Wellesley would be found to be illegal.

Mr. *Windham* said, he would not admit that his hon. friend had been at all unfair or intemperate in the mode of bringing this business forward. He had acted judiciously and in his opinion most properly, and could not have said less, to ground a case for the production of papers—papers that were not asked as a matter of favour, but as a matter of right, and which his hon. friend thought necessary for the cause of substantial justice.

Mr. *Wellesley Pole* assured the house, that the friends of the noble lord had no wish but for the fullest investigation of his conduct. He denied positively that Mr. Henry Wellesley derived any emolument from his mission to Oude. The expences of the mission were paid upon vouchers in which there was no consideration for him. He hoped the time would come when the conduct of the noble lord whose conduct the hon. gent. meant to make the subject of charge would be open to full, fair, and free discussion. On that occasion persons not connected with the noble lord would have full liberty of offering their opinions, whatever they may be, and he trusted he would be at liberty to claim the indulgence the house allowed to every body in matters concerning persons so near and dear to them.

Mr. *Paull*, in answer to what fell from the noble lord, from the near relation of lord Wellesley and from the hon. and learned bart. opposite, said, that the situation Mr. Henry Wellesley was appointed to, was one of great trust, honour, and emolument, as would appear when the papers were laid upon the table; a situation in fact that made him second only to marquis Wellesley, who was second to no other man in pomp and magnificence on this earth.—The different motions were respectively agreed to.

[WAR IN INDIA.]—Mr. *Francis* wished to ask the noble lord (Castlereagh) whether any dispatches had been yet received by the court of directors, or the government, relative to the commencement of the war with Holkar, which had commenced on the 10th of April, 1804; and whether the directors or the board of control were in possession of the accounts to the end of March, 1804, so as to enable the noble lord to bring forward the India budget this year?

Lord *Castlereagh* said there had been no direct advices from India relative to the war with Holkar. The packet containing these dispatches had been taken by the French on its passage to Europe, and the only accounts we had was from a translation of the contents of that packet published in the Moniteur. Probably the same packet contained the accounts relative to the budget; but of this he could not be positive, all he he could say was, that there were no direct accounts.

[State of the Army.]—Colonel *Craufurd* apologised for the delay that had already taken place with respect to his motion on the state of the army. The delay was to be attributed to the difficulty of getting the papers which were necessary. The principal paper was that containing the state of the army on the 1st of May last. The secretary at war had mentioned to him the preceding day, that there was a deficiency of 10,000 men from the omission of the numbers that had been discharged from the militia, as volunteering for the line, but were not included in the returns of the line. In order to remedy this omission the secretary at war moved for a return of the effective strength on the 1st of June, which he thought might have been prepared that day, but which was not prepared. He was, from this reason, under the necessity of deferring his motion till Friday.

The *Secretary at War* stated, that the papers were not prepared in the war office, but in another office, where, notwithstanding every diligence, they were not ready at five o'clock that day. The reason why the men who had volunteered from the militia were not included in the returns of the line was, that they had not then joined the line. They were on their passage, and the hon. gent. had not shaped his motion so as to include them.—After some further conversation, Col. Craufurd fixed his notice for Friday.

[Impeachment of Lord Melville.]—Mr. *Bond* stated, that the motion of which he had given notice stood next in order. It was a motion which related to a proceeding decided upon by the house, and grew out of that proceeding. Since his notice, he was apprised that an hon. and learned friend of his (Mr. Leycester) had given notice of his intention to move to substitute an impeachment of lord Melville for the criminal prosecution. It appeared to him that the motion of his hon. and learned friend ought to have precedence, for if it was possible the house could be persuaded to adopt such a motion, any discussion upon his would be nugatory.

Mr. *Leycester* agreed that it would be better for his motion to be first decided. The object of the motion of which he gave notice yesterday was, that the question relative to the mode of prosecution should again be brought under the consideration of the house. Perhaps it might be more convenient, and tend to remove some prejudices, which otherwise would arise as to the form in which the motion was made, if he stated what his motion would be. The motion he proposed was, that the house should proceed by impeachment against Henry lord viscount Melville, for the several offences charged in the 10th report, and that the attorney-general should be directed to stay the proceedings directed by the house on the thirteenth of June, when the subject was agitated. He was one of those who was of opinion that no further criminal prosecution should be carried on against the noble lord. He was of that opinion, because he considered that the resolutions passed by the house of commons contained in themselves a heavy censure and severe punishment; that he had been removed from an high and important office; that he had been degraded, and his name struck out of the privy council. He was of opinion, that to direct a further criminal prosecution would be to send him to a trial, which would have the effect of punishing him a second time for the same identical offence. The house had been of a different opinion, and nothing therefore was further from his intention, than to bring that question again under consideration. It had been decided, that a criminal prosecution should be carried on, and the house was bound to act on the principle it had adopted. If it had occurred to him, that the house had as deliberately decided with regard to the mode of prosecution—if it had occurred to him, that the house had formed a deliberative determination, he should readily have acquiesced, and should not have given the house a moment's trouble; but he confessed, that, although his right hon. friend's amendment had brought forward the mode of prosecution, yet he was persuaded it did not occur to any, except those to whom he had communicated his intention, what the precise object of the prosecutor was. Upon a determination to be collaterally formed, and without much discussion, it appeared to him, that it would be highly improper to come to a final judgment, especially in a case which was to form a precedent. Upon this principle, he submitted the propriety of bringing the question again before the house. He should beg leave to consider how this would have stood if it had been res nova, how far the house would think it expedient to abide by its determination, and how far it was excluded from reviving the subject. As to the first question, supposing it to be a new proceeding, whether it would be better to proceed by impeachment, he confessed it did appear to him that an impeachment was the preferable mode. It was consistent with parliamentary usage, with the dignity of the house, with the rank and situation of the defendant, and led with greater certainty to substantial justice. Upon looking into the journals he found, that with respect to commoners, the usual mode of proceeding had been by an information filed by the attorney general. With respect to a peer of the realm, the usage was directly the reverse; for there were numerous instances of parliamentary impeachments, but no diligence he had used in searching into the journals had enabled him to discover an instance of a proceeding otherwise than by impeachment, except one, and that was the case of lord Halifax in 1702. It was to be found in the 14th volume of the journals, page 143. It appeared that the auditors of the exchequer had not examined certain accounts according to the directions of the 8th and 9th of William III. and an address was voted to his majesty, that he would be pleased to give instructions to the attorney general to prosecute. Afterwards a motion was made for the attorney general to state what proceedings had taken place. There was an entry in the journals to this effect: "The attorney general, in obedience to the order of the house, certified, that the exception taken by the defendant's counsel had been allowed by the court of exchequer." The exception was, that the words, as laid in the information, were in the affirmative, that he did examine the accounts, instead of being in the negative, that he did not. How the prosecution came to be in the court of exchequer he knew not, unless it was on account of the noble lord having been an auditor of the exchequer. With this single exception, the precedents the other way were uniform; there was not an instance of a single proceeding against a peer except by way of impeachment. When usage had so long established a mode of proceeding, it was extremely dangerous to depart from it, except on solid and substantial grounds. In the present case, there were many reasons why it should not be departed from:—the rank and station of the defendant; the respect due to the high order of which he was a member; and the consideration that the trial of an accused person before his peers, was more consistent with the spirit of the constitution. He therefore thought the usage should not be abandoned, except on extraordinary grounds. It was rendered more important that it should not, by the general curiosity and attention which this case had excited. In the next place, the noble person had not only filled the highest offices of government, but he had eminently distinguished himself by his abilities: every one must consequently agree, that he was entitled to all the privileges he could claim in a case in which every thing dear and valuable to him was at stake. For these reasons he conceived an impeachment preferable, and was convinced it would be productive of more substantial justice. He was ready to admit the exertions, the talents, and industry of those who administered justice in the court in which the criminal prosecution was to be instituted. If he had a suit, that would be the court in which he would wish to have it carried on; but there might be cases in which a court of common law was not the proper place to institute a criminal proceeding. There was a strictness in the proceedings of a court of law, and certainly in a case perfectly new, and of this nature, it was very probable there might be considerable embarrassment: undoubtedly a proceeding might be instituted, in which only some small part of the charge in the tenth report should be the subject of prosecution; for instance, the charge of permitting Mr. Trotter to violate the act of parliament. In that case there would be no difficulty as to the proof—what the result would be it was difficult to state—perhaps there might be no difficulty as to the 10,000l. or in short any distinct charge; but when the house considered that it was not the object of the prosecution to enter into a part of the subject only, but into the whole, it must be evident that a proceeding in a court of law could not embrace the question at large. He thought the principal part of the charge would be the participation of lord Melville in the profits of Mr. Trotter. On that subject considerable difficulty must necessarily occur in a court of law. All the difficulties were entirely got rid of by an impeachment. There would be no embarrassment as to form. The articles of impeachment might be framed more loosely than an information. In the course of a parliamentary impeachment every thing would be probed to the very bottom, and there would be time to examine into every part of the subject. The proceeding by impeachment might be injurious to lord Melville, but it would only be injurious to him where it ought. It would be injurious to him where he was guilty, and advantageous to him where he was innocent. For all these reasons, he thought it a more eligible proceeding, as it would afford a more ample opportunity of discussing the truth, the whole truth, and nothing but the truth.—There was another consideration. Reports had been spread amongst all ranks with a degree of industry perfectly new. Papers had been dispersed from one end of the kingdom to the other. Prejudices had taken possession of the minds of the people of all descriptions; it was generally supposed that the country had been defrauded by lord Melville and Mr. Trotter of millions; that seamen had been defrauded of their wages; and that the public taxes had increased in consequence of their peculations. When he looked to the addresses which had been moved in every part of the country, he found abundant reason for thinking that they proceeded on the principle of the public having been grossly defrauded by lord Melville and Mr. Trotter. Now, he would beg leave to ask, whether the noble lord could be safe against the effect of these prejudices? If he was tried upon a criminal information, could justice be expected? Who were the persons by whom he would be tried? They were the tradesmen and shopkeepers of Westminster, doubtless very respectable characters, but men who would find great difficulty in getting over the prejudices excited in their minds in the short and narrow compass of a trial in a court of law. As far as he could collect the sense of the house when the question was agitated before, he flattered himself he should have the opinion of a great majority in his favour. He should not have presumed to have come forward with a proposition to cancel or alter a resolution of the house, if that resolution had been entered into after an ample discussion; if the whole of the subject had been adverted to, nothing should have induced him to have disturbed the decision. But how did the question stand? The principal question was not as to the particular mode by which the prosecution should be carried on, but whether there should be any criminal prosecution; and although the mode recommended by the amendment might have occurred to some, yet he would venture to say the generality of the house did not advert to it. He would ask those who voted against the impeachment, whether they had considered the comparative merits of the two prosecutions? Were they apprised of the long usage of parliament? That there had been no one instance of a proceeding otherwise than by impeachment, except in the solitary case of lord Halifax? If they had not so considered the question, he would ask them, whether, upon one hasty determination, they would wish it to be final, and that too when it was to have all the effect and authority of a precedent, and establish the practice for ever? It might be said, how could those who had voted against an impeachment, now vote for it? This, as an argument ad hominem might be attended to: if the party accused was only to be considered, there might be some ground for such an argument; but there was a third party whose interests were concerned—the public, and the whole body of the peerage. He agreed that a resolution once adopted, ought not to be rescinded lightly; but in this instance he had the example of the house for what he proposed. On a former night, after a resolution had passed for a criminal prosecution, it was proposed to rescind that resolution, in order to substitute another for a criminal prosecution. He would ask, whether a more adequate cause could be assigned for rescinding a resolution, than that it had been adopted without the due consideration of the house, and when four-fifths of the house wished to substitute another? He hoped it was consistent with every view of substantial justice and the dignity of the house, to correct an error, rather than persevere in it. In bringing forward the question, he had discharged his duty: he had no personal acquaintance with lord Melville; he hardly knew any of his relatives; he had but one interest, justice to the party and to the public, and that the guilt or innocence of the accused might be manifested according to the established rules of parliament. Actuated by no other motives than those he had expressed, he should leave the question to be disposed of as the house should think fit.—The hon. and learned gent. then moved, "That the house proceed by impeachment against Henry lord viscount Melville for the several offences which appear, from the said reports, to have been committed by the said Henry lord viscount Melville; and that the attorney general be directed to stay proceedings in the prosecution which he was directed by an order of this house, 13th June, to institute against him."

Sir *Robert Buxton* rose to second the motion. He regretted that an impeachment had not been resorted to in the first instance. He confessed that when he read the tenth report he thought lord Melville ought to be impeached, and he was sorry the hon. gent. opposite (Mr. Whitbread) had not moved that measure in the first instance. He concurred in the first resolutions because he thought lord Melville deserved punishment for what appeared in the tenth report. He was afterwards one of those who voted for a civil suit. If consistency was the principal thing to be looked to, why was that departed from? He voted for a civil suit, considering the censure of the house a criminal punishment. Here the hon. baronet read a passage from Blackstone, where the propriety of peers being judged by their peers, is insisted on from their being obnoxious to popular odium, and therefore likely to suffer by the prejudices of juries; and from its being an essential principle of the constitution, that every man should be tried by his peers. If ever there was a case in which the public was strongly prejudiced it was this. He liked that the public jealousy should be roused when there was reason to think the public money had been embezzled or abused. But he thought it right that the persons accused of this crime, should have that fair trial which was the right of every subject whatever was charged against him. On these grounds he preferred impeachment.

Mr. *Bond* said, he offered himself thus early to the attention of the house, because his hon. and learned friend had impeached the resolution which he had the honour of proposing. Whatever weakness there might have been in the arguments he had offered to the house in support of that resolution, or in his mode of urging those arguments, there was now at least one irresistible argument for adhering to the proceeding recommended by him—that it was a resolution of the house. He could easily give credit to his hon. friend for the best motives; but with every respect for him, he was at a loss to conceive what could be the particular motives that induced his hon. friend to bring forward this motion, after the substance of it had been decided upon by as large a meeting as was ever remembered, and after his hon. friend had himself voted against it; for it could not be denied, that it was in the power of his hon. friend, and those with whom he had voted that night, to force the impeachment if they had wished it. It was therefore matter of surprise that any of them should come forward to impeach a deliberate proceeding of the house, and to substitute for it one which they themselves had decidedly opposed. He did not venture to propose the resolution for a criminal proceeding till he had, on the fullest deliberation, convinced himself that it was the best adapted to the case. Every consideration he had been able to give the subject since, and every thing he had heard in conversation upon it, confirmed him in that opinion; yet he could give the fullest assurance, that if the house had preferred impeachment, he, with all that conviction of the propriety of a criminal prosecution, would think that the resolution for an impeachment ought to be adhered to. He would now give some reasons why he preferred a criminal prosecution to an impeachment. And first, he conceived it a clear principle of parliamentary law, that the house was at liberty to proceed either by criminal information or by impeachment, as it saw reason to prefer the one or the other. No statute interposed to prevent it, there was no analogy arising from the common law, no deduction from any legal principles to render it improper. He therefore considered both as completely open, and held himself at liberty to direct his mind to the investigation of which was to be preferred. He admitted, there had been no instance of a criminal proceeding against a peer, but that of lord Halifax, and therefore his hon. friend had, it was true, but a solitary case to argue against. But he would ask, whether there was any thing wrong in that case? Was there any privilege of the peers violated? The peers were awake then to guard their privileges if they thought them trenched upon, but that never occurred to them. Was there now any violation of privilege? Did even the noble lord himself make any such objection? There was nothing of the kind in the proceedings alluded to as they were entered on the journals. It appeared that there was merely some difficulty of form arising out of the peculiar circumstances of the case. The usage proved that parliament generally preferred impeachment, but it did not shew that there was any thing improper in a proceeding by criminal prosecution. The usage did not prove that this proceeding contravened any principle of law. The grounds on which he proposed a criminal prosecution, were some of them of greater, some of less importance. He proposed it because the prompt, vigorous, and efficacious proceedings of a court of criminal justice, were infinitely superior to the cumbrous, slow, and harassing process of impeachment. He was ready to allow that there were many cases in which impeachment would afford a remedy when no other course would. But he would not hesitate to say, that wherever the case was fit for a jury, when the subject came within their grasp, he would prefer a trial by jury to the more tedious and harassing form of impeachment. All who knew any thing of impeachment, knew the various steps that it allowed to be taken in vexation of the person under prosecution. A greater lapse of time would be necessary before we could arrive at impeachment; for though the criminal prosecution could not be put in train before the term in the end of the year, an impeachment could not possibly be prepared before the next session. Then it would be to be considered whether it could be immediately proceeded on, consistently with the public business, or whether the public business should give way to it. This would give rise to various discussions, involving the individual and raising a ferment most disagreeable and injurious to him, a thing which nobody could wish to exist. Impeachment was the mode of trial proper to be resorted to in cases respecting the government of the state, or of its colonies, where men were charged with crimes involving oppression or tyranny, and the great question of peace or war; for it was impossible that common juries could be fit arbitrators of such important cases. But was this one of those great and complicated cases that could not be comprehended by a jury? His learned friend said, it would be necessary to go into Trotter's accounts. He allowed that would be a matter of difficulty, if it was necessary. But, in his mind, it would not be necessary to estimate, in pounds, shillings, and pence, the degree in which lord Melville may have participated in the profits of Mr. Trotter. Was this case a great state affair, which it was necessary to call in the peers to form a judgment upon? Did the defence of the noble lord make it a matter of state, when he said he would give no account of the manner in which he had applied the large sums unaccounted for? In his opinion, instead of making it a matter of state, that declaration made it more fit for criminal prosecution. The hon. gent. had said, that shopkeepers were not fit persons to pronounce on a case of this kind. The persons who would compose the jury would not be of that description. This would not be a common jury case; it would be a trial at bar before four judges, at the head of whom was a peer of parliament capable of including the consideration of such circumstances of state as the case may involve. The jury would be in the nature of a special jury composed of the gentlemen of the county, and if the members of that house were adequate to form a judgment on the case, he did not see why those gentlemen were not equally qualified; notwithstanding any matter circulated to the prejudice of lord Melville, he would not allow that any misrepresentation or calumny thus spread abroad, could make such an impression on a jury so constituted, and before judges of such a character, as that they could not form a tribunal perfectly competent, and capable of a full and fair investigation, and a correct decision. If the conversion of the 10,000l. were carried back as far as it could probably be, it could not be placed before the act of parliament. Could his hon. friend say, after the salary had been increased, there was no impropriety in this conversion? He trusted that would not be argued before an English jury and a court so constituted as the court of king's bench. The jury would have to pronounce simply, whether lord Melville was guilty or innocent. If the trial should reach that stage, he trusted he would have credit for wishing, as much as any friend of lord Melville, that the verdict may be a verdit of acquittal. If the trial should reach that stage, much would rest with the judge; and would not the judge, in that case, take into consideration every thing that could alleviate: he would not say he would take into consideration the merits of his former services, but he would take into his view every consideration of state, and allow every alleviation flowing from these considerations. He considered a criminal prosecution as a mode of proceeding much more lenient, as more likely to suffer the accused to escape if guilty; on the humane principles of the common law, which supposes every man innocent till he is proved guilty, and therefore lenient in submitting his case to a fair and expeditious trial. Every man knew that equal law was the first principle of justice in this country. The best mode of proceeding was to be decided on a comparison of the circumstances of the existing case, with the remedies each mode of proceeding afforded. On this comparison a criminal prosecution was, in his mind, the best in the present instance. It was the best from the consideration due to the state of the party, and from the nature of the complaint. The excuses that could be offered would have all due weight in apportioning the judgment, if a conviction should take place. On all these considerations, his mind was still unchanged from the determination it had taken on the former night. But this was the least part of the question. The greatest and most material consideration was, whether a resolution deliberately agreed upon by a great majority of the house, in the fullest meeting ever known, was to be rescinded on a notice of twenty-four hours. On this ground particularly he called on parliament to assert its character, to take care not to exhibit the miserable spectacle of changing inconsiderately its most deliberative resolutions, and to leave it in the power of any one to overturn the most solemn decisions on a notice of twenty-four hours.

Mr. *Leycester*, in explanation, said he had not argued that the proceeding by criminal information was unconstitutional; but that the mode of impeachment was more consistent with our parliamentary proceedings.

Mr. *Bond* said he had not attributed to his hon. and learned friend any such doctrine, but had answered the vague ideas of others.

The *Solicitor-General* observed, that the right hon. and learned gent. had expressed his surprise that his learned friend could have brought his hon. mind to entertain such a proposition as that he had submitted to the house. If any shame belonged to the opinion, he was sorry for it, because he was equally liable to a share in it from entertaining the same opinion with his hon. and learned friend. If the motion of his hon. and learned friend went to rescind a resolution which the house had deliberately and directly come to, he should agree with the argument of the right hon. gent., that it ought not to be rescinded; but he could not help expressing his surprise at the grounds upon which the motion of his learned friend had been opposed. He detain should the house but very shortly, for reasons which he should state on the question, whether the impeachment or the prosecution by criminal information was the most desirable; because, so far as he could ascertain, a great majority of the house appeared to have declared in favour of the impeachment. It had been urged that the conduct of lord Melville had been defended as not being a violation of law, and that the learned gent. on the bench below him (the master of the rolls) had so argued. But that had not been the case; neither that right hon. and learned gent., nor any other lawyer, taking the resolutions of the house of commons for granted, could deny that the application of public money to purposes of private profit was a violation of the law. It was a different question how far the lodging the money at private banker's for navy services only was or was not a breach of law. It had been assigned by his learned friend as a reason for preferring the impeachment, that the period of the advance of 10,000l. not being known, the investigation of that fact might create embarrassments in the prosecution in the king's bench, and the right hon. and learned gent. contended, that no man could deny that that was a breach of law, since the advance had been made after the resolutions of the house in 1782. He should not discuss that question now, but would rather refer it for examination to a trial by impeachment than in a court of law. As to the question now before them, he should make but a few observations upon it. The majority had declared in favour of an impeachment, and it was only by a form that the other mode of proceeding had been superinduced. The impeachment had been first moved by the hon. gent. opposite (Mr. Whitbread), on which the amendment was proposed by the right hon. and learned gent. for a criminal prosecution by the attorney-general. The forms of the house required the question to be put, that the words proposed to be left out remain part of the motion. All who preferred the impeachment of course voted in the affirmative, which amounted to a direct judgment on their part in favour of the impeachment. The number was 195, who finding themselves driven out of the impeachment, and thinking that the criminal prosecution by the attorney-general was better than none at all, voted for the amendment with those who preferred the prosecution by information. The number that voted for this question was 238, from which deducting the 195 who had preferred the impeachment, there were but 43 who preferred the prosecution by information. Still he admitted that the impeachment had been, in form, negatived. There were many questions on which the sense of the house was collected, but this, whether the impeachment or the prosecution by information was preferable, had never been directly submitted to the consideration of the house. He allowed that the house had decided, that some criminal prosecution should take place, though it never had determined which was to be preferred. The form alone stood in their way. The right hon. and learned gent. had argued that it would be a proof of wavering and vacillation in their decisons, if they were to rescind a resolution that had been passed in so full a house, on the 13th of June. If the majority of that full house had decided on the question, which mode of procecution was to be preferred, he should yield to the pressure of such an argument; but no such decision had yet been made. If they were to take a retrospect of the proceeding, and to go back to circumstances of the discussion, it would appear that the majority of those who had delivered any opinion on the subject, had preferred the impeachment, for which reason he should vote for the motion of his learned friend.

Mr. *Bankes* said, that before he should come to discuss the question of impeachment, he should first submit to the chair such ideas as occurred to him on the point of proceeding, and as to whether the house was now in the proper line. He always understood it a matter of parliamentary order that two different proceedings on the same subject, and contrary to each other, could not be entertained at the same time. This he always understood to be the general rule; and therefore he thought, in the present case, the house could not come to the adoption of a new proceeding, nor entertain a question upon it, until it had fully disposed of the first. On a full view of the question, in one of the fullest assemblies of members that had ever met within those walls, and one of the fullest discussions that ever took place, the house had decided to suspend a civil prosecution in order to adopt a criminal one; and now it was proposed to proceed by impeachment, contrary to so recent and solemn a decision. He begged, therefore, to appeal to the chair, whether it was consistent with parliamentary usage to entertain at the same time two opposite proceedings on the same subject.

The *Speaker*, from the appeal that had been made to him, felt it to be his duty to state to the house that from the manner in which the motion was framed it consisted of two parts, the latter part of which went to do away the resolutions of the house on a former occasion. Those parts of the motion might undoubtedly be separated, as was often the practice, if it should be the pleasure of any hon. gent. to make a motion to that effect; but unquestionably until such motion should be made, it would be his duty to put the question on the motion as it had been originally proposed.

Mr. *Bankes* resumed, and declared his own opinion, founded upon all the experience and observation of which he was master, that two different criminal proceedings against the same individual, upon one and the same subject, could not, consistently with legal justice, or parliamentary order, be carried on at the same time. The house had already, after the most solemn deliberation, and fullest discussion, in one of the fullest meetings ever witnessed, come to a solemn decision upon this subject and now, upon the short notice of twenty-four hours, or rather surprise, the house was called upon to rescind that decision, and to adopt the mode of proceeding which it had already rejected. He could not have conceived it possible, that the hon. and learned gent. who brought forward this motion, could reconcile to his own hon. feeling such a proceeding as, after what had already passed, at this late period of the session, and after half the members had left town on their private concerns, to bring forward a motion of this nature at twenty-four hours notice. If the house could suffer itself to be induced to adopt such a motion, he should not be at all surprised if, in twenty-four hours more, it should be again called on to rescind that motion also, and to abandon the proceedings against the noble lord altogether. He had understood, from rumours out of doors, and some hints dropped within, that some attempt would be made, from another house of parliament, to revise the proceedings against the noble lord; and that something in the nature of a conference would be solicited with that house, touching some of the hereditary privileges of the peerage being involved in the proceedings of the house against lord Melville. But without any previous intimation of any ground whatever, save the short intimation yesterday, for the house to be called upon to rescind its solemn decision, founded upon so many successive discussions upon the conduct of the noble lord, was the most indecent attempt he had ever heard of. What, he would ask, would the people of England say of such a proceeding, if the house should be induced to adopt it? What sort of respect or estimation would the people of England attach to a parliament thus wavering and capricious in its decisions? What opinion would the world form of its wisdom? Besides, it behoved the house to look with a jealous eye to the quarter whence the proposal came, and see how far the pure ends of justice were actually the motives of those who urged it forward. The hon. and learned member who spoke last, and was now so warm an advocate for impeachment, had ever until now spoke and voted against any resolution the house had adopted, either for the censure or crimination of the noble lord, and had this night justified his aversion both to impeachment and criminal process, upon the ground that the censure of the house was sufficient punishment. But did nothing new against the noble lord come out in the subsequent proceedings? Were there no new facts brought to light in evidence before the select committee? Did no new instances of criminality and aggravation come out even in that house? Let the house look a little at the conduct of the hon. gent. who was this night so urgent for impeachment? Did not he, and those who acted with him, uniformly oppose every proposal, from the beginning, for enquiry into the misapplication of public money, and the criminal conduct of the noble lord? Did they then propose impeachment for the pure ends of substantial justice? Did they not say, the first resolution of the house on this subject was quite enough? and did they not assert that it was unjust and cruel to proceed further? The case stood just the same, and what said they now? Why, that criminal prosecution was not the way to obtain substantial justice, and that, by impeachment, the guilt of the noble lord, if supported, would be more amply punished. But when he reflected on the principles of action, which had heretofore guided the hon. and learned gent. on this subject, he was not disposed to quit his path to follow him into new and intricate ways. He had no wish to violate the privileges of the peerage, but he was not afraid of any of those impediments to justice, in the court of king's bench, that were not likely to occur before the higher tribunal. He had no fault to find with the mode of administering criminal justice in the courts of this country; and if the noble lord should be acquitted by a jury in his majesty's court of king's bench, his former friends and acquaintance might as fairly consider his character vindicated, and his innocence proved, as if his acquittal should take place before the house of lords. But as to the proceeding by impeachment, the only instance at which the house was enabled to look within its own time (the trial of Mr. Hastings), presented no very favourable expectation that such a mode was best calculated to promote speedy and certain justice, or encourage him to prefer that mode of proceeding, while there was another tribunal in the country which presented, in his mind, a more fair and effectual road to justice. Upon the journals of parliament there was but that one solitary case in which impeachment had been followed up to any effectual issue; in every other case, parliament had failed on this head, and abandoned the proceedings from some cause or other. It was said against the trial by jury, that popular prejudices had been excited by clamour without doors: he admitted, and lamented the fact; but upon such subjects popular clamour was too closely connected with the liberty of the country to be effectually restrained. Lord Melville, however, was not the only delinquent exposed to such a misfortune; and it should be remembered, that if he was open to such inconveniencie, he had the valuable privilege of challenging the pannel, which every prisoner enjoys upon his trial; or of putting off that trial on account of the ferment existing in the public mind, as has happened in a thousand instances, upon all trials where challenges are made against jurors, either as supposed to be favourable to the prisoner, or who may have uttered opinions unfavourable to him. In the other case, those persons who are the friends and intimates of Lord Melville, may be the persons to sit in judgment upon him; while his political enemies, if any such he had, cannot be prevented from delivering their verdicts against him, without any power of challenge on either side; and therefore he thought the proceeding in the king's bench the most likely to lead to speedy and impartial justice. But what opinion could the house form of the motives and principles of those who first vote against impeachment, then against proceeding by criminal prosecution, and now again come forward, and strenuously cry out for impeachment? Would the house suppose they were actuated by any wish for justice, or that they had any other motive than, some how or other, to attain their original object of screening the noble lord from any degree of punishment? If the house were induced to abandon their own decision, to adopt the mode now proposed, another occurrence might take place, which would effectually be a bar to justice, in the way of impeachment, but which would not be likely to have such effect on proceedings in a court of criminal justice. He, therefore, earnestly conjured the house not to rescind its own solemn decision, to adopt a proposition thus attempted by surprise, of which the house not only had not any timely intimation, but was completely thrown off its guard four days since by the right hon. and learned gent. opposite to him (the attorney general) coming down to the house, and claiming instructions how to proceed; a question rather extraordinary, as coming from that learned gent. to the house as his clients; as it must be presumed his professional knowledge was sufficient to direct him in shaping an information upon the merits of the case laid before him. No instance of such conduct was to be found on the journals of parliament. The proposition, therefore, as it now came forward, was obviously a trick upon the house. In the absence of above half the members who voted for the measure, it was now proposed to rescind it, and no doubt those members would have attended in their places, had they had any idea of such a proposition coming forward. If the house was to countenance such a procedure, and create such a precedent, it was impossible to say what resolutions might not be rescinded in a similar way.

Mr. *Leycester* stated, that when his learned friend had given notice of his motion, the right hon gent. below him (the chancellor of the exchequer) had intimated that the question as to the mode of prosecution would then be brought under consideration, and that alone without any other motive would have warranted his motion.

Mr. *Bankes* admitted the intimation of the chancellor of the exchequer, but appealed to the recollection of the house, whether that had been considered as a notice; and if it had been a notice, why had the hon. and learned gent. thought it necessary to renew it the preceding day?

Lord *Henry Petty*, having been one of those who had felt it their duty to vote for the impeachment in the first instance, and afterwards for the prosecution by criminal information on the former occasion, felt it equally his duty now to give a decided negative to the motion. If he could assent to the arguments that had been used by the learned gent. opposite (the solicitor general), that they were now for the first time to decide upon the question, whether an impeachment or a criminal prosecution by the attorney general were more desirable, he should vote for the impeachment. This, however, was not the case, and he begged to remind the house, that this motion was brought forward in consequence of a notice, which appeared only the preceding day on the books, the object of which was to do away a resolution that had been adopted by the house after a consideration of two months, and a discussion of two days previous to the decision upon it. This resolution had been adopted with every circumstance of the most formal solemnity of the proceedings of that house, with such peculiar circumstances of solemnity, as had attracted the attendance of the greatest number of members perhaps ever known, and fixed their attention to the discussion of the subject. These were the circumstances under which the resolution had been adopted, and that was the decision which the learned member now stated not to have been deliberately formed. He had with his feeble talents supported the motion for the impeachment, which had been urged with the whole weight of the talents and eloquence of his hon. friends near him, and yet the learned gent. had said, that the question relating to the mode of prosecution had not been that day discussed. He did not think the learned gent. stated this for the purpose of misleading the house, but certainly he could not think that the gentlemen opposite were ignorant of the question then under discussion, when he, a young and inexperienced member of the house, was perfectly aware of it. But there was another proof that they could not be ignorant of it. Had they not a warning concerning the vote they were about to give? Did not his hon. friend (Mr. Sheridan) call upon the right hon. the chancellor of the exchequer to consider what might be the effect of the vote he was to give; that it might lead to a consequence he did not wish? was not this before the right hon. gent. had spoken? Had he spoken after? No: and yet he ought to have stated his reasons for having pursued the line which he followed.—The amendment had been to expunge the words of the original motion for the impeachment, and those who wished that no criminal prosecution should take place, voted against the original motion with a view to get rid of both; and after the lapse of a fortnight, when from the state of the house it did not appear that the members present were half the members that had voted on that question, a motion was brought forward for rescinding it. He had voted originally for the impeachment as the most constitutional mode of proceeding, and on giving his vote for the prosecution by the attorney-general, he had not been influenced by any preference for it, but by a consideration that beneficial advantages might result from it to the public. He trusted, therefore, that the house would adhere to its decision, and that the decision of this year would hereafter be considered as a precedent.

Sir *William Burroughs* declared, that if the motion were to rescind a solemn resolution of the house, he should be the first to oppose it. In rising to support the motion of his learned friend, he supported what was the deliberate sense of the majority of that house. He asked the gent. opposite, and the noble lord, whether the resolution had been concurred in by the majority of the house? He appealed to the only evidence they could have, except the votes of the house, whether every gent. who spoke on the opposite side, had not preferred the impeachment; he appealed to the chair and to the house, whether every gent. who had spoken on his side of the house, had not expressed a preference for the impeachment, if they were to choose? Had not the noble lord, who had so much distinguished himself by his talents, pronounced a most eloquent speech in support of impeachment, and had that speech yet been answered? could the noble lord, with all his ingenuity, answer it himself? The noble lord had stated, consistently, that he still preferred the impeachment. In the whole records of parliament there was but one instance of a prosecution by the attorney general against a peer, and was that an argument for adhering to a resolution, he might say, inadvertently taken, when such resolution was contrary to the practice of parliament from the earliest periods of its history? If they were to adhere to the form and not to the sense of the house, they should decide against what was the opinion of a majority of near five hundred members. This motion was not to rescind a resolution of the house, so much as to carry into effect the sense of the vast majority of the members. By adopting the impeachment, they should get rid of the embarrassments that would attend the other course. They all knew the ferment that existed, the mistakes and misrepresentations that had taken place, and if the trial by impeachment would not be so expeditious as that in the king's bench, was it not desirable that the trial should be put off till the ferment should be allayed? If the hon. gent. would consent to prosecute on the evidence and not to include the charge of participation, which would involve the investigation of accounts, the matter might go to a jury. Any lawyer would admit that if any other mode of trial could be discovered, it would be preferable to that by jury, if the jury was to be adjourned, which must be the case if complicated accounts were to be submitted to their consideration. Impeachment was more consistent with the dignity of the house, and with the rank and station of the delinquent. He called on the house to follow the sense of the majority, and adopt a course which, if they had come to the discussion unentangled by forms, they would have adopted, that which was the sense of 400 members, in opposition to 43.

Mr. *Charles Wynne* rose and spoke as follows:—It is with feelings of the deepest regret that I rise to express my difference in opinion upon this very important subject from all those with whom I am connected; from those with whom it has hitherto always been my pleasure and pride to act; from those who so much to their own credit and to the satisfaction of the whole country, have carried forward this great and momentous enquiry to the stage in which we now find it. I feel deep regret for the situation in which the house is placed, called upon either to rescind a determination the most solemn, agreed to in perhaps the fullest house that can be remembered for many years, to rescind it in a comparatively thin house, upon a notice of twenty-four hours, or to persist in a course which I cannot consider but as wrong, equally detrimental to the accused individual, and to the public who are the prosecutors. Between these difficulties are we placed, and it does not lessen my regret to find myself obliged to concur with those whose inconsistence in voting contrary to what they have now declared to have been their opinion has so placed us.—It may be asked, why entertaining the objections to the mode of proceeding by information which I do, I voted for it on a former night? I certainly gave that vote with more reluctance and more completely on compulsion than any which I have given since I sat in this house; but I am satisfied that I did right, and upon a similar occasion should again give a similar vote: for great as are the evils of a proceeding by information, the evils of no proceeding at all are still greater.—I object to the precedent of a proceeding by information, as being equally unjust to the public and to the person accused. It must be carried on by the attorney general, an officer appointed at the pleasure of the administration, over whom, from the moment we have directed the prosecution we lose all controul whatever; to the crown, and to the crown only is he responsible; it has already been determined that a pardon is not pleadable to a parliamentary impeachment; but what is to preserve us from the attorney general's being directed at any time to enter a nolle prosequi which would completely stop the proceedings now pending? Will gentlemen think after what we have seen, that in the present case such directions are wholly impossible? For the house of commons directing an information to be filed by the attorney general in a case of similar magnitude with the present, there is but one precedent, that of lord Halifax, and that certainly a most inauspicious one. At that period, the two houses were in a state of the utmost hostility, particularly upon the subject of impeachment, and at such a period only could such a measure be justified, and yet what was then the issue of it? Lord Halifax escaped by a technical flaw in the information; a flaw which could not have vitiated articles of impeachment, and which it is not impossible was designedly introduced. It has been urged, that this proceeding is preferable to impeachment, as being less dilatory and less expensive, and to prove this, the example of Mr. Hastings's impeachment is quoted. But that was a case perfectly anomalous from all others: an accusation comprehending the whole of the government of India for so many years. The number of witnesses which it was necessary to call, entailed a delay which could not in any other instance have taken place. But, is this only referable to the proceeding by impeachment? Would it have been possible to have tried that case by an ordinary jury? We might as well object to the trial by jury in all future cases, because Hardy's trial lasted six days, as to the trial by impeachment because Mr. Hasting's lasted seven years, when in no former instance has any inconvenient delay taken place. But in the present instance I do not scruple to say, that it is probable that a greater delay would intervene before the proceeding by information could be brought to a conclusion than that by impeachment. The term is now nearly concluded, and the information not yet filed; with the utmost dispatch therefore that can be used it cannot be expected to be brought to trial before the month of February next, or, that in case of conviction, sentence could be passed before the month of May.—I prefer the trial by impeachment, because it is infinitely more solemn, more suitable to the dignity both of the accusers and the accused; because it will bring him before a court composed of persons above all prejudice, capable of duly appreciating the importance of this case, and of every thing which tends either to aggravate or to alleviate the offence. But, says my learned friend, who originally recommended the proceeding by information (Mr. Bond), lord Melville will be tried, not by a common jury, but by a special jury, composed of country gentlemen, of such men as sit in this house. Had such an idea come from any other member I should not have been surprised, but that it should proceed from my learned friend, who has seen what is the composition of the special juries of Middlesex, that he should talk of the tradesmen of Bond-street and the Strand as country gentlemen does, I confess, astonish me.—For the trial by jury I have as high a respect as any man; but there are cases to which it is wholly inapplicable, and this appears to me to be one of them. With the degree of popular ferment which always will exist, and which I am not afraid to say, ought to exist in a government so framed as ours, upon a charge of peculation, brought forward by the house of commons against a minister, to send him to trial by a jury, is to send him to a certain conviction. But in the present instance, the objections are infinitely increased. Besides the dangers which I apprehend in all cases from allowing prosecutions of this kind to be conducted by the servant of the crown, appointed by the crown, removable at the will of the crown, bound by oath to obey such directions as he receives from the crown, I feel particular objection to entrusting my learned friend, the present attorney general, with the management of this great and momentous prosecution. Holding the opinion which he honourably and conscientiously does, it seems to me impossible that he should conduct it in a manner satisfactory to me, or to the majority of this house, or the public. I know him too well; I know too well the high idea which he entertains of the duties of his office, to believe that any thing could induce him to aggravate an offence which he is directed to prosecute beyond what he believes to be its true colour and complexion. His opinion upon this subject has not been concealed; he has appeared as the open and avowed apologist of lord Melville. He has declared, that in this case he sees only legal guilt; beyond that point therefore, he will not, he cannot urge this offence. My opinion upon this subject most widely differs, and believing the guilt of the noble person accused to be of a much more heinous nature, I object to the trial being conducted by one who will understate the offence.—Such, sir, are the reasons which induce me to concur in the object of this motion. In many of them I have no doubt that most of my friends who will to-night vote against it concur; but they say, that the house having once adopted another mode of proceeding in preference to this, it must not now be changed. If this were only a question of convenience between two courses, either of which would lead to the same end, I should certainly feel that we ought to submit to considerable inconvenience rather than infringe upon the consistency of this house; but feeling as I do, that the former vote of this house has adopted a method of proceeding which is not likely to answer the substantial ends of justice, which may at any moment be stopped at the pleasure of the crown, which is likely to sanction a precedent the most dangerous, and which is only preferable to no proceeding at all, I think it allowable, nay, even necessery, that the house should retread its own footsteps, and correct the error into which it has fallen. I do think, however, that this motion has been introduced with a very insufficient notice, and that it is most dangerous to permit the resolutions of this house, agreed to upon long consideration, to be rescinded without such a notice as may enable every gentleman to give his attendance. If this rule is not adhered to, the most fatal consequences are to be apprehended. It is not sufficient for the right hon. gent. (Mr. Pitt) to state the reasons which induce him to think that the majority of the house, though they voted in favour of this mode of proceeding, yet were decidedly of opinion against it. In the validity of those reasons, I may not much differ from him; but if we once open a door of this nature, particular circumstances will be found in every case that can be stated, and the most solemn resolutions may be rescinded by surprise. Upon this ground, wishing that the present motion may be carried in a manner most decorous to this house, and most satisfactory to the public, I shall, although I do not know that any gentleman will concur sufficiently in opinion with me to second the motion, move, "that this debate be adjourned until Monday next."—The motion not being seconded, fell to the ground.

Mr. *R. Williams* said, if he had been in the house when the first resolutions had been proposed, he would have voted for them. He afterwards voted against the impeachment and the criminal information, as he thought the punishment had been sufficient: but as the house had come to a resolution in favour of the latter, he should certainly vote against rescinding that resolution.

Mr. *Windham* spoke at some length in favour of the resolution of the house for the criminal prosecution of lord Melville. He reviewed the arguments on both sides, and expressed his opinion in favour of the impeachment, on the grounds which he had originally stated as a matter of preference, until the house had decided, by its vote, in favour of the other mode of criminal proceeding. No person would take upon him to assert that to proceed against the noble lord in the courts of law, was illegal or unconstitutional. The precedents for the prosecution of peers were very numerous in our history; and he could see no argument that could be made out against the present mode successfully grounded on the objection of there being but a single case in precedent. He did not see that many precedents were necessary; and if the law were clear, certainly no objection could be taken to the mode adopted, in point of efficacy, unless there was a suspicion of mala fides in the party which was to carry on the prosecution. If it were said, in favour of impeachment, that less of technical law was requisite for carrying it forward, it might, on the other hand, be objected, that there was, and would always be, no common share of technical law employed in the defence; so that on the score of technical difficulty the difference between the two modes was less than might be supposed. With respect to other matters, such as the character and competency of the tribunal, he was rather inclined to think, that the learned gent. (Mr. Bond) pushed his approbation rather too far. He did not think that its fitness for cases of all sorts was quite so great as the learned gent. supposed; still, for much of what was connected with the present business, it might be sufficient. In fact, the offence of which lord Melville was accused, might rather be said to be the crime of a statesman, than a state crime. Though he should prefer the tribunal of the house of peers to a common jury, there might be nothing but what a jury might understand and decide upon. He could not however but think, that a tribunal which was not compelled to decide at one sitting, but might take its full time, would be the best to try the case of the noble lord. In this view of the case his opinion was decidedly for the house of lords. There was more dignity in that mode for all parties; and besides, though he meant no disrespect to the attorney-general, yet, individually considered, he could not think him the most proper person to conduct such a transaction. He was very ready to admit all that had been said in praise of that learned gent.; but when it was said of him, that notwithstanding his own opinion, he would conduct the business just as well and as conformably to the wishes of the house, as if his opinion had been the other way, he could not help thinking that it was rather equivocal praise. The learned gent. certainly knew his own profession best, but to him it seemed an odd commendation of any one, to say, that in the conduct of a cause his own conviction went for nothing, and that he could argue just as ably and as strenuously in favour of the wrong side, as of that which he conceived to be supported by truth and justice. If such was the force of professional habits, it might be a reason with some for not belonging to the profession. Hoping however that that was not the fact, the known sentiments of the attorney general would be a reason with him for wishing to avoid a course of proceeding, when the cause must necessarily rest upon his exertions. Parties were allowed to challenge jurors who had delivered opinions of such a description as to proclaim their sentiments, and almost to anticipate their decisions upon questions ultimately to be brought before them; and really he thought it would be, at least, equally just to challenge and disqualify a prosecutor who had shewn a disposition adverse to the prosecution he was officially to conduct. The question seemed, however, not to rest upon these considerations, but to be reduced to the single point: is the house now at liberty to make the change in their proceedings which was proposed by the motion of to-night? It had been contended, that in doing so, there would be no contravention of the judgment of the house. An hon. gent. had contended, that the change now proposed was in conformity with the sense of the majority of the house. He did not think it necessary to deny this; but he would ask how the hon. gent. knew it? Was it from the proceedings of the house? What parliamentary ground had the hon. gent. for saying so? It might be collected possibly or inferred from matter thrown out in debate, from conversation, or from knowledge of parties; but certainly not from the proceedings of the house of commons. All questions could not be decided by the mere answer of yes and no, though that was the only mode in which the forms of the house allowed of their being put. It would happen in consequence, as it did in the present instance, that the choice of the house between the opposite sides of an alternative, was not declared, and therefore could not be assumed. Nobody was at liberty to assert that the house had a preference to this or that, unless such preference had been declared, which assuredly had not happened in the case in question. All that they knew by the acts of the house was, that in determining the form of putting the question a majority had decided, that the measure of criminal prosecution by the attorney general should be proposed first; and that another majority had decided for the adoption of that measure. How did it appear from thence that the opinion of the house was in favour of impeachment? The house as respecting the present question, might be distributed into five classes. 1. Those who were against any criminal proceeding at all. 2. Those who would vote for impeachment, but for impeachment only. 3. Those who would vote for prosecution by the attorney general, but for that only. 4. Those who preferred impeachment, but, failing of that, would vote for prosecution by the attorney general. 5. Those who preferred prosecution by the attorney general; but sooner than have no criminal proceeding, would be content to vote for impeachment. By neither of the divisions which had taken place, nor by the two combined, did it appear what the proportion was of those who wished for impeachment, compared with those who preferred the proceeding at present adopted; and, therefore, no ground existed for saying, that this or that was the judgment of the house. He should, therefore, protest against all that sort of refinement of reasoning, founded upon the supposed or alleged difference of opinion with respect to the precise description of punishment. He would not allow gentlemen on the opposite side to play fast and loose with the house. The course was plain. The house had said, there shall be a criminal proceeding; and that by the attorney-general. He had originally voted that the question of impeachment should be first put, with a view of adopting that measure; and this for two reasons: first, that there might be some criminal proceeding; and secondly, because he thought impeachment the best mode. But when after so much deliberation, and so remarkably full an attendance, the house had come to a decision, directing the proceedings in a particular mode, he could not yield to a proposal for changing that decision, founded upon a sort of comparison of the votes of different gentlemen. All that could be inferred from the votes, for the purposes of the hon. gent. was, that the mode adopted was considered to be better than no prosecution at all. A fortnight had now passed since the decision was taken, and the house was now called upon, at a short notice, with the attendance of such members as were upon the spot, to reverse its proceedings. From the loose and vague idea of revision thrown out, it could not be inferred that the learned gentleman's own mind was made up on the subject. No proper and timely notice had been given of the intention to reverse the proceedings. Gentlemen had now left town in great numbers, and it was only necessary to let the session run down a little longer; and upon this principle of change, the whole proceedings might be reversed that had been already taken, when there were just members enough to make up a house. The force of such a precedent would be an extreme scandal to the country. Gentlemen must think of the character of that house. His complaint against lord Melville was not merely that he suffered the public money to be misapplied, but that he had thereby brought all public men, and that house too, into suspicion, in circumstances which required that the public suspicion, so excited, should be satisfied. He had never said, nor could any thing but the strongest evidence ever bring him to say, that the noble lord was guilty of the grosser part of the offence laid to his charge; but he was guilty of having brought himself into suspicion, and of having thus placed the house in a situation in which it was necessary for them to do whatever was consistent with justice, for the vindication of their own character. It was not necessary to suppose lord Melville guilty: he for one protested against that interpretation; it was sufficient that he had been in a great and culpable degree imprudent: and that this his imprudence had placed the house in the alternative of either sacrificing their own character, or of instituting such inquiries as those now proposed. The same considerations which urged them at first to engage in such an inquiry, must determine them to persevere in the mode now adopted, rather than to change it in a manner so irregular, so unprecedented, and exposed to such violent suspicion.

The *Chancellor of the Exchequer* rose and spoke in substance as follows: Sir, from the arguments that have been urged against the motion of my hon. friend behind me, it appears that the great ground of objection is, that the house cannot consistently rescind its own resolutions: there is something that puts it out of your power to attend to it. Now, sir, to come at once to the examination of these arguments, there is one point which has been rested upon grounds contrary to the fact; I mean the notice. In adverting to that notice, I would desire gentlemen to attend to the dates. On Tuesday and Wednesday, the 11th and 12th, the original question was debated in the house, and it came to a vote on the morning of Thursday the 13th. On that day there was no house, and on Friday it sat again, and entered upon that discussion in which I was particularly concerned. In the next week there were only three sitting days before the right hon. gent. behind me gave notice that he meant to apply to the house respecting some directions as to the matters referred to the attorney general to prosecute. When this was proposed, I would ask the house whether I did not distinctly say that the more I considered the circumstances of the case, the more my attention had been directed to it, the more I thought and the more I conversed upon it, I was the more convinced that an impeachment was a mode preferable to a criminal information. When the discussion took place on this subject, I ask whether it is not in the recollection of the house that I desired the hon. gent. to put off his motion till this day, in order to have an opportunity of considering whether the impeachment might not be thought the most advisable manner of proceeding? This indeed went to such particularity, that I distinctly stated to him that he must be aware that we could not agree to give any fresh directions to the attorney general relative to this prosecution, while we were of opinion that the mode of impeachment was preferable. I stated this with a view to assure the house that a motion was in contemplation for rescinding the resolution of the house for a criminal information, and substituting an impeachment, which the house, with a few exceptions, has already declared to be the mode most consistent with the privileges of the house of lords, and better calculated to attain the ends of public justice. This, sir, I have taken upon me to state to the house, in order to shew that if it has not been forewarned of the present motion, that it is no fault of mine. It rests with gentlemen themselves to account for this subject having come upon them by surprise; if, as they say, it has in fact come upon them in this manner. This I am sure of, that they had the fullest opportunity to know, that it was proposed to revise the resolution which was passed for a criminal information. How then do we stand? Why, five days ago a notice was in reality given, that this motion was to be submitted to the house. And under what circumstances was the notice given? Was it when there was reason to conclude that the house would be thinly attended? No. So far was this from being the case, that a notice stood in your books for an inquiry into the state of the army, a subject which gentlemen have stated to be of the last importance, and which it might reasonably be presumed would command a full attendance of the house. What, then, becomes of the assertions of those who cry out against the proposition now before us, on the grounds that a great many members have gone to the country, who ought to be present at this discussion? But this is not all: the house was in fact in possession of the notice on Thursday and Friday, at the moment when the house was engaged in discussing the vote of credit and other points connected with it, points of the last importance to the empire and even to Europe, and to which they attached so much consequence, that they proposed that parliament should sit all summer, in order to be ready to receive information concerning them. These were surely things that called for a full attendance of the house, and there was a full attendance. Upon what ground then do they complain that they are taken by surprise? Upon a mature consideration of the case, I trust the house will be of opinion that this is a complaint without a foundation. Why then, sir, this is the situation in which we stood, and these are the circumstances under which the notice, though not perhaps formally, was in reality given. If you are determined to insist upon the point of notice, let us see whether it ought to be considered as extremely necessary in this case from what has already passed upon it. (Cries of hear! hear! from the opposition.) Really, sir, I should be glad to know what there is ridiculous in that. Do gentlemen mean to assert that no measure is to be carried without a specific notice long before? Let us look to what has been done on the resolution of impeachment. On the very day when that resolution was moved, an amendment for this criminal prosecution in the king's bench was proposed, without the smallest previous notice to the house to give gentlemen time to consider the point, without the smallest information that ought to be allowed in courtesy to the person accused, without any intimation that such a thing was to be brought forward, and this amendment was moved too as a matter of lenity to lord Melville. I am not at all questioning the right of the house to adopt such a mode of proceeding, far from it; but I must at the same time be allowed to express my surprise when I hear them loudly proclaiming that the proposition now submitted to their consideration is contrary to parliamentary usage. With this example before us, can we admit the justice of these complaints? I am sure we cannot, if we pay any regard to our own proceedings on various occasions.—Now, sir, having disposed of the short notice, about which we have heard so much, I come to another point, on which no less stress has been laid. This is the monstrous inconsistency of rescinding a resolution of the house in the same session, and the danger that would result from such a precedent. But what resolution is it proposed to rescind? Is it not true that we had rescinded a previous resolution of the house? A civil prosecution had been before ordered by the house, when the hon. gent. opposite came down to this house, and proposed that the proceedings in the civil suit should be suspended, and a criminal prosecution substituted in its stead. That proposition was agreed to by the house, and where, then, is the inconsistency, or the dangerous precedent arising from the proposal now before the house? But, if there is any inconsistency, if there is any dangerous precedent, the practice has already prevailed, and this is surely not the moment when the house would be anxious to adopt a different mode of proceeding. If the object of the resolution now proposed had been by any sort of management to destroy the effect of the votes of the house, or to leave it doubtful whether, after the criminal prosecution was set aside, any thing was to be moved in its stead, then indeed there might be a fair ground for the arguments urged by the gentlemen on the other side of the house. But when the very resolution which proposes to lay aside the one mode substitutes the other, then surely I may be allowed to say, that there is great reason to be astonished at the opposition given by gentlemen on the present occasion, contrary to their own declared opinions. Such, then, being the notice, and such the point of rescinding the previous resolution of the house, we now come to another part of the case that deserves a considerable degree of attention. We are told that though they are still of opinion that the mode of impeachment ought to be preferred, yet that this seems to be a sort of stratagem to defeat the object which the house has in view, viz. the ends of public justice; and besides, that it will be thought by others, that the house of commons in agreeing to such a resolution as the present would compromise its character for steadiness, deliberation, and consistency. Now, in what manner do they oppose us? One would think, from the course pursued in their arguments, that they really thought, as I before intimated, that the intention was to rescind the resolution for the criminal prosecution, leaving it to chance whether any other was to be proposed; and to set aside all criminal prosecution entirely. In this case there would be some reason in their arguments. But it is impossible that they can understand the object which we have in view, since that very resolution that rescinds the criminal information retains the motion for an impeachment. Which of the two proceedings is really most consistent with the opinions of a majority of the house? What do we propose to put in the place of a criminal information? An impeachment, that very mode of proceeding for which the hon. gentlemen on the opposite side argued so strenuously at first; that mode which they have contended to be best calculated to answer the ends of public justice; that mode which they have said to be most consistent with parliamentary usage, most agreeable to the dignity of the house, and most consonant to the principles of the constitution. On these fundamental broad grounds, they have been loud in their preference of an impeachment. What then do I ask of them? It is to confirm their own sentiments. If they agree to our motion, they have only to adopt that mode of proceeding for which they were before so urgent. They have, from the beginning, preferred an impeachment, and if that opinion remain the same as before, I only wish them not to impute any improper motives to those who furnish them with an opportunity of acting according to their opinion. But then they say, that they cannot now accede to this proposition, because the consistency of the proceedings of the house of commons is involved upon this occasion. If there be any inconsistency in this case, it rests with themselves. If this argument availed any thing, it ought to have prevented any criminal prosecution at all in this case. We said, that after the civil suit had commenced, there was no room for the other proceeding. The house, however, rescinded its resolution on that head, and having once determined on a criminal prosecution, we are not now disposed to find fault with that decision. But we do say, there still remains an option respecting the mode of conducting the criminal prosecution which was not before called for. It remains still for us to adopt the preferable mode; and certainly no objection of form ought to weigh against the decided opinion of the majority of the house, especially when, in fact, there is no ground of inconsistency or precedent that can at all be urged as applicable to the present circumstances of the case. Why then, sir, taking all these circumstances into consideration; finding that those very persons who before urged the impeachment so strenuously, still retain their sentiments on that head, and still agree, that it is the preferable mode of proceeding; surely the house cannot refuse, on any grounds that have been as yet stated, to adopt that mode which is allowed by a vast majority of the house to be most proper. It is possible perhaps to come to the justice of the case, by the criminal information before the king's bench court; but supposing this to be the case, it still remains to be considered, which, under all the circumstances, is the most proper mode of trial. An impeachment, as it has been justly argued, is most consonant to the principles of the constitution. This is allowed. I am sure that every one who hears me, would also wish, since a trial of this nature has been found necessary, that it should be such an one as would be most satisfactory to the feelings of the accused, even upon the admission that both were, in every other respect, equally eligible. This, however, they are not; for it is confessed that the mode of impeachment possesses important and decided advantages. The house surely cannot, on a mere point of form, refuse to grant that sort of trial which is allowed on all hands to be the best, and resort to one which the accused thinks the most objectionable, as the least likely to procure him justice, as the most degrading to his rank, and the most hurtful to his feelings. Now, sir, as to the grounds on which the impeachment is the most preferable mode of trial, they have been already so very fully stated, that I am in a great measure relieved from the necessity of dwelling upon that point. The right hon. gent. over the way (Mr. Windham), declaimed against refinements, and attributed a refining disposition to us on this occasion. He has said, that the only way of collecting the sense of the commons is by their votes, and there is not a more satisfactory way, even though the majority of the house should upon the whole have preferred another mode than that which, from the manner of putting the question, they happened to adopt. Now, much the greater part of the house, undoubtedly, prefer an impeachment in this instance. Is there any thing then that prevents the adoption of that mode of proceeding? The noble lord on the opposite side, (lord Henry Petty) who speaks in a manner that always entitles him to the attention of the house, has declared, that he still thinks the mode of impeachment preferable. He still admits it as the most constitutional, the best calculated to promote the great ends of public justice, the most consistent with the dignity of the house, and the privileges of the other house, as well as the best mode for the accused, who will then be tried by his peers. If this be still his opinion, and the opinion of those who sit near him, shall a point of form prevent them from adopting the mode which they think the best? What do they admit? They admit that the trial by impeachment is more suitable to the constitution, best calculated to obtain justice, more consistent with the character of the object, better adapted to the nature of the crime. All these are great and broad points superior to any question of form; and with these views of the matter, are they now to retract their opinions, and vote for a criminal information? A right hon. gent. said, that he was not satisfied that the crime was of a nature that called for an impeachment. In that opinion he will not, I believe, find many members of this house disposed to join him. But at all events he has admitted that the character of the object is such, that in that view at least an impeachment would be the preferable mode of proceeding. But he will recollect that one of the grounds on which the accusation rests is the improper application of the public money, which is admitted by the noble lord himself. Let it be observed, however, that if the noble lord's words are to be taken hold of in this manner, the effect of the whole of them together ought to be stated. He has not allowed that he made any use of the money which he obtained for his own advantage; but he has expressly declared, that he will not disclose what he has done with one part of it. This, surely, comes under the description of a state crime. He has told you, that the money has been expended in secret services, which he does not feel himself at liberty to disclose. That is indubitably a question more fit for the decision of the lords on an impeachment than for an ordinary court of law. Why, then, upon a consideration of all these circumstances, I must again express my surprise, that any opposition should be made to this motion, the object of which is to give effect to that mode of proceeding which is really and substantially preferable. If they are of opinion that an impeachment is the most proper mode of trial, I am at a loss to conceive how they can counteract their own principles, and oppose that which, by their own admission, is upon the whole by far the most desirable. But it is urged by an hon. gent. against an impeachment, that the time necessary to bring it to a conclusion is so long that the ends of justice may be defeated. Here he will not be countenanced by many of the gentlemen of this house. He has mentioned the case of an impeachment which required two years to bring it forward. However, there is no reason to suppose that the matter can meet with any greater delay than it would do in a court of law. It will be begun immediately after the assembling of parliament. But, to prove the delay that generally takes place in impeachments, we have been told of the case of Mr. Hastings. Can any man really suppose that the present case is to be compared with that which required such a voluminous mass of evidence, parole and written, so many documents from the other side of the globe, which involved such a variety of complicated matter? If this doctrine was to be pushed to its utmost extent, what would be the effect of it? It is an argument that, if allowed to weigh with the house, would prevent it from ever exercising the right of impeachment. This right, however, the house will not be disposed to give up; and yet the argument, if pushed to its utmost extent, would go this length. No case would ever occur, in which it would not upon this principle be better to have recourse to a criminal information rather than an impeachment. One gentleman did contend that the criminal information would in all cases be preferable; but few of those who now hear me will be disposed to allow that, on constitutional grounds, a criminal information can, in such a case as the present, be preferable to an impeachment. But while I contend that there is no reason to suppose that this prosecution can occupy any great length of time, I must state, that the case is so complicated that there are great doubts whether it could be possible that in ordinary courts of law it should receive that discussion which will be absolutely necessary for the purposes of real justice. We know the variety of matter that the reports contain, and the long discussions that took place in this house. But if we were so long in coming to a decision, and found so much discussion necessary, what chance is there that, within the time to which the attention of a jury must be limited, the case should undergo that full investigation which justice calls for? This proves the superiority of the mode of impeachment, in which the fear of delay appears to be groundless. Well then, sir, these are the arguments brought forward against this motion, and these are the answers which certainly appear to me to be satisfactory. Conceiving that the motion was given in full time, and upon proper grounds; considering that points of the utmost magnitude call loudly for an impeachment, instead of the criminal information; considering that several days have been allowed to the house to reflect again on the matter; considering that there is only one case in which an information has been resorted to in preference to an impeachment; considering that every constitutional principle, and every circumstance connected with the justice of the case and the dignity of parliament, call for an impeachment, I trust that no strict adherence to empty forms will drive the house from the usual mode of its proceeding. The ends of justice will not be defeated, nor is it any intention of ours to do away the effect of the vote of the house, as far as a criminal prosecution in some sort is concerned. But it is our object to proceed in that manner which is most consonant to the usual forms of the house, best calculated to promote the ends of justice, and, at the same time, most satisfactory to the feelings of the individual, in that manner which is allowed to be preferable by the house, with the exception of a very small number. These, sir, are the grounds on which it appears to me that the present motion ought to be agreed to; and I shall sit down with some confidence that the house will not allow the comparatively trifling consideration of forms to prevent the attainment of an object on many accounts so very desirable.

Mr. *Whitbread* made a very animated reply to the observations of the Chancellor of the Exchequer, whose conduct, he said, reminded him of that of the famous orator of antiquity, who sent to an unfortunate client of his, driven into exile, a copy of a most argumentative and convincing speech, which he had intended to deliver in defence of him at his trial. "Alas!" said the miserable Milo, "if Cicero had uttered this in due time, I should not now be eating crawfish at Marseilles!" So he had no doubt, if the right hon. gent. had expressed the sentiments which he had just done, on the evening when the question of impeachment was formerly unsuccessfully agitated, the result would have been very different; the noble lord would have been placed in a situation more agreeable to his feelings, and the country would have been assured of complete and impartial justice. But it came now too late, and the advantages which might have been derived from his speech were lost. Why did he not before agree to the impeachment, and prevent the necessity of his having recourse to these subterfuges? He, indeed, preferred the mode of impeachment, undoubtedly, as he had before stated to the house, but the consideration of the inconsistency that would be fixed upon the character of the house, and the bad precedent that might be formed by agreeing to this motion, induced him to forego all the advantages that would be derived from an impeachment, in preference to a criminal information. The gentlemen who voted with him, however, notwithstanding all these inconsistencies now urged upon them, would feel a great satisfaction in reflecting that those who opposed them, were now obliged to come down, and say that after all they were right; but they ought not to be misled by this gratification from doing their duty to the house by preserving its consistency. The vote of the house was given, not by surprise, but, after a long debate in one of the fullest houses that was ever recollected, and the main object was to come to a decision on the question, whether there should, or should not be a criminal process at all. Who began with proposing an impeachment? It was obtruded by the person now speaking. Who followed? The right hon. gent. with his amendment. Can any one forget that the right hon. gent. (Mr. Pitt) was warned what the effect of his vote would be on the question as it stood? Might he not have preferred the impeachment if he had chosen? He now talked of the sense of the majority of the house being in his favour. How was that sense to be collected but by the vote,? He opposed all criminal prosecution, and therefore put it out of his power to give a preference to one mode above another. Did he not, along with the treasurer of the navy, (Mr. Canning) who said that he preferred our enmity to the friendship of the right hon. gent. (Mr. Bond) over the way, vote against the impeachment? The country gentlemen from diffidence, and not from want of ability, frequently did not explain the exact grounds on which their votes were given; but the right hon. gent., who wanted neither confidence nor ability, chose to sit silent. He was not accustomed to a minority, though even his cabinet now was divided against itself. Many members had gone out of town who wished to be present at this discussion. This motion came by surprise. He himself did not know of it till yesterday, though there had been some rumours of something of this sort, but nothing like a regular notice. The right hon. gent. might have procured the impeachment before, but he wished to carry every thing with a high hand, and to bring off lord Melville without any criminal prosecution. The situation in which he now stood was the proper reward of his own conduct, and if nobody but himself had been affected by it, it would be no great matter; but he had involved the character of the house. When the right hon. gent. desired him to put his hand upon his heart, and ask himself this question, whether he thought those who voted against any prosecution did not mean to prefer, by way of punishment on lord Melville, an impeachment, to the mode proposed of a criminal proceeding by information by the attorney-general? he must answer, that he believed all those gentlemen wished in their hearts at this moment there should be no proceeding whatever had against that noble lord; and he was much afraid of the precedent which this motion, if carried, would establish; for any hon. member, interested in saving lord Melville from the inconvenience of any prosecution, might hereafter come, when the house was thinner than at present, and say, we have rescinded one resolution already, why should we not now rescind the other? and so they might en-endeavour to persuade the house of commons they ought not to go on with any trial at all against lord Melville. But the right hon. the chancellor of the exchequer had observed, that the house had already rescinded the resolution which had been entered into on a former occasion for a civil suit against lord Melville. The obvious answer to that was, that new facts had appeared since that suit was instituted, and the house on those facts had changed its opinion, as upon a change of facts any body of men, as well as the house of commons, might change their opinion; and this the house had done, notwithstanding the endeavours of the right hon. gent. to persuade the memhers that no criminal proceeding whatever ought to be adopted. As to the subject of what was called the notice to the house that this measure would be proposed, he thought it in substance, whatever it might be in form, so unparliamentary, so unsatisfactory, and really so indecorous to the house of commons, that he hardly knew how to speak of it as it merited with decorum to the house. He called the attention of the house to the manner in which he had brought forward his motion for the impeachment, and to the mode in which the amendment was moved by the right hon. gent. (Mr. Bond.) It was said that this amendment was as much without notice as the motion, and more so, and yet there was no complaint made against it on that account; which was very true: but it was an amendment growing naturally out of the subject, and could be no surprise to the house; for every person having any measure to propose must be prepared to meet an amendment to that motion, especially if it should happen to partake of the character of the motion itself, which was the case of that amendment.

And here he must observe, that it was to be collected from the speech of the noble lord himself who was the object of these proceedings, while he stood on the floor and addressed the house, that he preferred the mode of a criminal proceeding in a court of justice to an impeachment, if he must encounter either, although he certainly objected to both; for he had stated, among other things, that it was impossible the house could with justice impeach him, when so many peers had already spoken so decidedly against him, and before they had heard any thing of his case, but that which was founded on no better authority than rumour; and believed, that if he was brought before a jury, which he seemed to expect, that he had been placed in a situation which the meanest cottager in this country would have a right to complain of, if it were his own case; for that all those who were likely to sit as jurymen upon his trial had been prejudiced against him, by what had been already published on the subject. The noble lord had evidently preferred the trial by jury to that of impeachment, in the event of his being compelled to encounter either. He seemed now, if the conduct of his friends was an indication of his wishes, to have changed his mind, and to wish for an impeachment as the lesser evil of the two. He could have wished to adopt the mode most agreeable to the feelings and the wishes of the noble lord, provided they were consistent with justice; but the conduct of the friends of the noble lord had put that compliance out of his power. The right hon. gent. (Mr. Pitt) had observed, that impeachment was the bulwark of the constitution, and that he hoped the house would not decide against that mode on account of the delay which took place. Certainly, he should not suffer any thing to interrupt the right of the house of commons to impeach any person on a fit occasion; but he apprehended the question upon that point to be decided, and it was the fault of ministers if wrongly decided; for they were warned of it over and over again before they voted against the impeachment, and afterwards before the house came to the resolution it adopted. As to the difficulties which were felt by the law officer of the crown, he must observe, that there were other men of great eminence in the profession of the law who did not see the same difficulties in this case as the attorney-general had stated; and although he should be sorry the public should sustain the loss of that learned gentleman's services, yet he had too much spirit to wish to continue in a situation the duties of which would be painful to him, and where the public had so direct an interest in their performance. He ought not to come to his clients for instructions how to conduct their cause; they ought rather to ask him, than he them, which way the cause was to be carried on; he ought either to conduct the cause, or give up his brief. The learned gent. had said on a former occasion, that it was improper to vote a trial of lord Melville by information in a court of justice, because there was no doubt of his legal guilt, and there was therefore a certainty of his conviction; now he (Mr. W.) had often heard it assigned as a reason that a man should not be put on his trial because there was a certainty of his acquittal, but this was the first time he ever heard that a person should not be put on his trial because there was a certainty of his conviction.—With regard to the subject of the 10,000l. received by lord Melville, some difficulties had been started on account of its having been received before the act of parliament passed which the noble lord was charged with having offended against. That was very true, but the difficulty stated appeared to him easily surmounted; for though the noble lord received the money before the act of parliament, yet he continued to possess it after the act, which was equally criminal.—He then took notice of the difference which had taken place on this occasion between the different parts of the house, and what had been said of the 43 who were supposed to have constituted the majority of the house, by whose votes the present prosecution had been determined, which, he said conveyed to the public this anomaly, that one part of the king's cabinet voted directly against the other.—But, supposing this impeachment to be carried, he should like to know who were to be the managers of it? Were they to be chosen from those who had already said so much, and divided so steadily against all prosecution of lord Melville? in which case, if it ultimately failed, the public would doubt the sincerity of its conduct: or were they to be as committees, having the majority on the side of the minister, and a few, to save appearances, taken from those who were adverse to lord Melville; if so, he desired the house to consider the effect of such a course of proceeding. Should the lot fall upon him to be one of the managers of such an impeachment, he should regret being put into that situation; but such was his determination to pursue this measure with a view of coming ultimately at the ends of justice, that he would use his utmost exertions for that purpose, in whatever company he might be placed: he earnestly wished the house however to consider what it was doing, and to avoid establishing a precedent by which its former proceedings might be overturned altogether, than which he knew of nothing more fraught with danger; and therefore, to avoid that danger, and to preserve the consistency of the house, he should adhere to its original resolution.

General *Lenox* thought that, according to the dignity of the subject, the nature of the charge, the rank of the defendant, the current of precedent, and the analogy of reason upon the principles of the constitution, the noble viscount ought to be tried by his peers by impeachment, and not by any inferior tribunal, however respectable; for which reasons he should vote for an impeachment.

The *Attorney-General* said, he should lay aside all consideration of himself, or any other individual who might happen to be attorney-general, when a question of this nature came to be discussed, and proceed to lay before the house some of the difficulties which would unavoidably attend the prosecution by criminal information, and which might be avoided if an impeachment was adopted. He had before said, what he now repeated, that on the legal guilt of my lord Melville, that of his connivance in the misapplication by Mr. Trotter of the public money, there was no question; there was evidence competent to prove that fact, as it appeared before the commissioners of naval enquiry, from the declarations made before them. That was established out of the mouth of lord Melville himself; but that was not the difficulty of the case, and he had stated formerly, the difficulties which occurred to him on this subject, not as to the mode of the prosecution, so much as to the topics to be selected on which to found the information. His right hon. friend (Mr. Bond) had stated that one part, namely, that which related to Mr. Jellicoe, should be omitted, on which gentlemen, on the other side of the house, did not seem to have made up their minds; but that on which he wanted instruction from the house was, not on the legal course he should take as to the topics he should select for prosecution; but whether, while he proceeded against lord Melville criminally, he was to proceed civilly against Mr. Trotter? Whether, if he did so, he should notwithstanding, make use of the testimony of Mr. Trotter against lord Melville? Whether he could, without an infringement on the privileges of the house of commons, call on any one of its members, or any other person, to be a witness on the trial, and give testimony of what was said by lord Melville in his own behalf in that house on the night of the debate previous to the vote for his prosecution? These were points on which he owned he should wish for the direction of the house if this prosecution was to be carried on. Another point worthy of consideration, although not much thought of by a great part of the house, was, where the venue should be laid, because nothing was better established in Westminster Hall than this; that if the venue was laid in London, he could not give evidence of any thing that was done in Middlesex; or if the venue was laid in Middlesex, he could not give evidence of any thing that was done in London; and yet there might be actions partly done in one, and partly in the other, the difficulties of which would be much more serious impediments to the trial in a court of justice than gentlemen not accustomed to legal process might imagine; and they were unavoidable in legal process in any court of justice inferior to the high court of parliament, none of which would be felt there upon impeachment. He then took notice of the case of lord Halifax, and thought it was a very uninviting precedent even for superior expedition, for it lasted two years and a half, of which he gave the history, and considered it as a precedent quite unworthy of being followed. With reference to what the hon. gent. had stated on the subject of the management of the impeachment, if the house should agree to it, his idea was, that in that event the hon. gent. who first brought this subject forward, should stand precisely in the same situation as if he had succeeded in his motion for the impeachment, in which he himself would, of course, be nominated as the first manager of the impeachment; that he should draw up the articles of impeachment, and that he and his friends should nominate all the other managers of that impeachment. As to what had been called the consistency of the house, and so much pressed into the service of this debate, he must be allowed to observe, that the vote now standing on the journals of the house was the effect of inadvertency, and there was no form by which the house was restrained from rescinding it, or the house would have been informed to that effect from the chair, and the present question could not be put. It was, in short, an error, and those who called so loudly on the house to preserve its consistency, called only for that species of consistency which is maintained by a continuance in error. But gentlemen on the other side of the house took delight in telling ministers: "If it be an error, the error is your own; you brought the house into it, and you shall not call on the house to correct your own error." Now, supposing that to be true, what was the conclusion? What was the consequence to the house, if it had fallen into an error, who led them into it? Suppose the error originated with ministers; on whom did their opponents propose to be revenged? not on those who were the cause of the error, but on the house of commons, on the constitution and the people of the British empire, whose interests in the grand inquest of the nation were to be sacrificed, because ministers happened to have fallen into a mistake. He maintained that on the subject of notice in this case it was abundant, and was by no means a proper matter of complaint, and therefore there was no ground for saying that the house was in any degree precluded from proceeding by way of impeachment; on the contrary, it had now an opportunity of preferring that as the most constitutional, and in every sense the best adapted mode to be pursued upon this occasion, and he hoped the house would never, for the sake of a nominal consistency, persist in an opinion that was clearly erroneous.

Mr. *Fox* complimented the talents and the perseverance which his hon. friend (Mr. Whitbread) had displayed on this occasion, which had been so highly honourable to himself, and of such signal advantage to the country. He maintained that this error, which the friends of lord Melville were now of a sudden so ready to confess they had fallen into, was not on account of any negligence in them, for they had been very active in every stage of the proceeding, although they now appeared so much to lament their error, as they called it. The truth was, they had opposed every measure for the prosecution, and expected to carry their object in protecting lord Melville with a high hand; but being disappointed in that expectation, they had made up their mind that an impeachment would be more favourable to lord Melville than a criminal information in a court of justice, and therefore did they propose that course to be now taken, although at one time they had laboured most strenuously to persuade the house that lord Melville ought not to be impeached at all. As to notice of this motion, he thought it impossible to consider any thing that had been said on that subject to deserve that title. He asked why the right hon. gent. (Mr. Pitt), when his own case had been discussed, did not take the opportunity of giving notice then that this subject was to be brought forward, when there was a full house to hear it? But no notice whatever was taken for a week, and on the very first division which took place after that on the prosecution of lord Melville, there were present not so many by an hundred members as on that division; for the truth was, that a great number of members who did not equally mix in the concerns of the house were present at the division on the subject of the prosecution of lord Melville, and they had gone away under a perfect conviction that the affair was over; and they would be astonished to hear, if, indeed, they should hear, that their resolution had been rescinded; a thing which could not be done while there was such a thing as shame left in that house, until not only due notice should be given, so as to enable every individual member who had already voted on this subject to be present, (because, if there was to be any revision, it should be a revision by all those whose act it was,) but also until the house should be called over, for otherwise a minority of the house, (as it was now evidently much thinner than when the resolution passed) would rescind the act of the majority; a thing most alarming in point of precedent, because it would establish this point, that whenever a minister was prosecuted for any thing, and a full house had decided on the mode of that prosecution, he would have nothing more to do than to keep his friends together, to wait for a comparatively thin house, and then proceed to rescind the resolution. It had been said, that the present resolution was the act of the minority of the house, that it was the act of only forty-three members, and that the present motion was conformable to the real wishes of the majority of the house. This species of defence was very suspicious, when it came from the friends of lord Melville, who professed a direct hostility to every measure that had for its object the prosecution of lord Melville, and was a deference paid not to the majority, as appeared by the vote of the house, but to an imaginary majority against that vote; that was to say, a deference to the imaginary sense, and a contempt for the expressed sense of the house of commons; for although it was clear that some members who voted against the impeachment, did openly declare they preferred that mode to that of a criminal prosecution by the attorney general, if either the one or the other must be adopted, yet he knew no way of making that inference with regard to all those who gave silent votes on that night. He might admit a man to insist on his expressions against his actions in some cases, when he might have acted with a view which was not answered, and where he was put to a choice between two evils, which he did not foresee; but how he was to infer, that a man who said nothing, and acted in one decisive way, meant the reverse of his action, he was at a loss to comprehend; and yet that was precisely the situation of the mass of the house, on the division on the prosecution of lord Melville. As to the forty-three members who were supposed to have turned the scale, it must be observed, that the house was so full, and the other two sides were so near each other, forty-three was a very considerable number, considering who and what description of persons they were; for although all members of that house were justly considered equal, yet there was nothing irregular in paying respect to gentlemen on account of circumstances besides that of mere numerical importance. Why, then, did he prefer the mode which the house had already adopted, to the other which he had formerly been so desirous of obtaining; namely, that of impeachment? for he confessed that, on the whole of the matter, he should, if this case had not been decided, prefer an impeachment to a prosecution by the attorney-general, although that was not a point unworthy of consideration, for it was not to be disguised, that during the period lord Melville had been in administration, no less than between seventy and eighty members of the upper house had been created, and which must naturally be supposed to have some possible influence on the decision of this question: but why did he, preferring as he did an impeachment to any other on the whole of the matter, now prefer the mode of prosecution already voted? He preferred it because it was the vote of the house of commons, in as full a house, with the exception of three divisions, as ever he had the honour of attending; because it was essential to such a prosecution that the great mass of the house should be in its favour, which could not be the case if the resolution should be rescinded. There was no question upon the legality of the present vote. The house of lords made no complaint on the point of privilege; nor could they, for the case of lord Halifax, if good for nothing else, was conclusive as a precedent as to the mode of proceeding, for no objection was made to it, and it was most clear that the privilege of a peer did not extend to any thing in the way of privilege on his trial, except when conviction might affect either life or limb, as was manifest in the case of lord Abingdon, and a noble friend of his, lord Thanet, both of whom were tried in the court of king's bench, and imprisoned by order of that court: nor was the hardship of such mode of trial such as some gentlemen would suggest; for the challenge to the jury was very extensive, and as to the impeachment there was no challenge, although in point of fact many peers must naturally be the object of challenge with the prosecutors of lord Melville, if there existed any such right in them, on account of the partiality they must have for that noble lord. This prosecution had been most gloriously conducted hitherto; the house of commons stood high in the estimation of its constituents for its conduct on this occasion; its decision ought to be regarded as sacred, at least by any house of commons, or rather the same house of commons with an inferior number of members in it to those who had come to the resolution now in force; nothing short of the very same number could with any thing of decency think of rescinding that resolution. He resisted this motion, therefore, on the general and broad principle, that the house ought to respect its own proceedings, that the constitution required the house to shew that respect in all cases, except where any thing which it had done was manifestly erroneous; which could not be the case here, for it was not disputed, nor was there any difficulty to be found in the course of the proceeding insuperable, for the attorney-general might have the aid of many learned members in the house, as to the mode of framing the information. Considering all these matters, considering the character of the house of commons, considering the interest the public had taken in that character, and how essential to the public it was to preserve that character; but, above all, considering the most alarming danger of establishing a precedent by which any minister of state, against whom any prosecution was ordered by a full house, might totally defeat that proceeding by a thinner house afterwards, under the pretence of a revision, (for if this vote was rescinded now, there was nothing to hinder any other member from moving to rescind the impeachment altogether,) he felt himself called upon to support the present resolution of the house and to resist any attack made upon it under any pretence whatever, and the more especially by those who had always professed an hostility towards every measure that tended to the punishment of lord Melville, and therefore he moved that the other orders of the day be now read.

Mr. *Hiley Addington* said, he could not content himself with giving a silent vote on this occasion. Having formerly given an opinion, he was anxious now also to deliver his sentiments, that it might not be supposed he meant to shrink from that line of conduct which he felt it his duty to adopt. It was not his intention to detain the house, but there was one single point which had been adverted to, which he was sorry to have heard from a right hon. friend of his (Mr. Pitt), and upon which he would say a few words. He had thought the mode of a criminal prosecution the best, because the most lenient: but his right hon. friend preferred the other mode, as considering that the most lenient. For his part, when he considered how impeachments had been protracted; when he reflected on the embarrassments that had been occasioned by that mode of proceeding, he could not help thinking that it might eventually occasion the noble lord's ruin, even if he were acquitted, at which event no man would be more glad than himself. He could not but coincide in an observation which fell from a noble lord during the debate, that this was not the time to consider the merits of the case. He thought with him, that the time for such a discussion was past, and that the most considerate reflexion had already been given to this important subject. The present question was, whether the house should act a consistent part? He did not contend but that occasions might arise when the house of commons might think it necessary to rescind its proceedings. An hon. baronet contended that the civil process had been determined on by the house and adopted, but had afterwards been laid aside for a criminal prosecution, and that this was a precedent for reversing the criminal process, and substituting the other mode in its place. It was stated, in reply, by another hon. gent., that more new matter had arisen, which rendered the civil suit nugatory. What new parliamentary matter had arisen to occasion them to rescind their former determination, he professed he was at a loss to find out. The only question was a matter of choice as to which mode of proceeding should be adopted; neither of them was unconstitutional.—The right hon. gent. next remarked upon the singular conduct of his hon. and learned friend (Mr. Leycester), to whom, at the same time, he was far from imputing any improper motives: he contended, however, that he ought to have taken the opportunity of giving notice of his motion, when his right hon. friend (Mr. Bond) expressed his intention of making his proposition. He thought it incumbent on the house, for its own dignity, not to rescind its former determination. It was with pain he had heard it stated by his right hon. friend the chancellor of the exchequer, that no intimation had been given of he intention to propose the amendment on the 11th. He believed his right hon. friend, on farther consideration, would think otherwise, at least if he did not, he (Mr. Addington) must say that he had understood the matter otherwise.

The *Chancellor of the Exchequer* said a few words, but in so low a tone that we could not gather distinctly what he said; we, however, understood him to have observed, that he only meant to state, that no public notice had been given of the intention to propose the amendment.

Mr. *Robert Dundas* (son of lord Melville), for one, had thought, and still did think, that the mode of prosecution by impeachment was that which should have been preferred; because, although it was so tedious, yet it was one most befitting the situation and rank of the person to be tried, and best calculated to promote the ends of justice. It was the mode lord Melville himself wished for. With respect to notice having been given of another mode of prosecution being about to be moved for, he could assure gentlemen that lord Melville had been completely ignorant of such a thing being about to take place, until two hours before he entered the house on the day when the impeachment was moved. As to the lenity of that species of prosecution ordered by the house, the gentleman who moved it might be actuated by such a motive; but for his own part he could not feel that there was any lenity in a proceeding that took lord Melville to a species of trial which was inconsistent with propriety, and with the rank which belonged to him. He was not bound to say that all the gentlemen who were for prosecuting, by means of the attorney-general, voted for this as the most lenient mode; although he believed some voted with such views. He did not wish, unaccustomed as he was to speak in public, to trouble the house with any more observations; but he should conclude with voting for the motion.

Mr. *Ker*, said, that as 229 could not be made out to be more than 238, he should, for the sake of consistency, vote for the criminal prosecution.

The house then divided on the motion for proceeding to the other orders of the day:

Ayes - - - - - - - - -	143
Noes - - - - - - - - -	166
Majority for the impeachment	23

The question for the impeachment was then carried without a division. After which it was ordered, That Mr. Whitbread do go to the lords; and at their bar, in the name of the house of commons, and of all the commons of the United Kingdom of Great-Britain and Ireland, impeach Henry lord viscount Melville of high crimes and misdemeanours; and acquaint them, that this house will, in due time, exhibit particular articles against him, and make good the same." — At two o'clock on Wednesday morning the house adjourned.

HOUSE OF LORDS.

Wednesday, June, 26.

[Minutes.]—The Land Tax Redemption bill was read a second time, and committed for to-morrow. — Moore's Divorce bill was read a third time and passed.—Mr. Alexander brought up the Irish Civil List bill, and some other bills, which were read a first time.—Mr. Pitt's Indemnity bill passed through the committee, and was reported.—Sir W. Scott brought up the Poor Clergy bill, which was read a first time.—Gardner's Divorce bill passed through a committee, and was reported.—The house resolved itself into a committee on the Stipendiary Curates' bill. A conversation of some length ensued between the bishop of St. Asaph, the lord chancellor, the archbishop of Canterbury, the bishop of London, and lord Harrowby, relative to various clauses and amendments; after which the bill passed through the committee, and the report was ordered to be received to-morrow.

[Impeachment of Lord Melville.]—A message being announced from the house of commons, Mr. Whitbread introduced by the black rod, advanced to the bar, attended by Mr. Grey, lord Temple, lord H. Petty, Mr. Fox, Mr. Windham, Mr. H. Combe, sir R. Buxton, Mr. Shaw Lefevre, Mr. Creevey, Mr. Wilberforce, Mr. R. Thornton, Mr. Pelham, lord A. Hamilton, Mr. Curwen, Mr. Wm. Elliot, Mr. Bankes, sir W. W. Wynne, Mr. C. W. Wynne, Mr. Plumer, Mr. St. John, Mr James Martin, Mr. Tierney, Mr. G. Johnstone, Mr. P. Moore, sir W. Elford, sir W. Burroughs, lord Marsham, &c. As soon as Mr. Whitbread reached the bar, he read the following message from the commons, and delivered it into the hands of the lord chancellor: "my lords, in the name of the commons of the united kingdom of Great Britain and Ireland in parliament assembled, I am commanded to impeach Henry lord viscount Melville of high crimes and misdemeanors. And I do hereby, in their name, and in the name and behalf of all the commons of Great Britain and Ireland, impeach the said Henry lord viscount Melville of high crimes and misdemeanors. And, I am further commanded to acquaint your lordships, that the house of commons will, in due time, exhibit particular articles of impeachment against the said Henry lord viscount Melville, and make good the same."—The members of the house of commons then withdrew. The message was read by the lord chancellor and deposited on the table.—Adjourned.

HOUSE OF COMMONS.

Wednesday, June 26.

[Minutes.]—The secretary at war presented an account of the effective strength of the regular army on the 1st of June, 1805. Ordered to lie on the table, and to be printed.—M. W. Dickenson presented certain accounts relative to naval stores in the dock-yards, pursuant to the order of the house. Ordered to lie on the table, and to be printed.—Mr. Rose brought up the report of the Thames Cartage and Ballastage bill. The amendments were agreed to, and the bill ordered to be read a third time.—A message from the lords informed the house, that their lordships had agreed to the Seamen's Encouragement bill, and the Bark Stealing Prevention bill, without any amendments.—Mr. Johnson, from the office of chief secretary for Ireland, presented an account of the manner in which the sum of 500,000l., granted by the parliament of Ireland to the directors general of inland navigation in Ireland had been disposed of. Ordered to lie on the table, and to be printed.—The Sheffield Road bill, and the Poor Clergy bill, were read a third time and passed.—Mr. R. Dundas brought up the bill for the improvement of Leith Harbour, which was read a first time.—The Irish Loyalist Compensation bill was read a third time and passed. Mr. Vansittart took that opportunity of stating, that with respect to another commission to which allusion had been made on a former day, he had the assurance of the Irish government, that, as soon as the claims now before them should be disposed of, the commission would be put an end to, which would probably take place before the term fixed by the bill for the duration of the commission to which it referred.—Mr. S. Bourne moved, that an humble address be presented to his majesty, that he would be graciously pleased to direct that a further account be made out of all sums issued by his majesty, pursuant to addresses of the house, which had not been made good by parliament. Ordered, and that the address be presented by such members of the house as are of his majesty's privy council.—Mr. Foster brought up a bill for regulating the collection of the customs in Ireland, which was read a first time.—The Irish Infirmary, and the Bank Forgery bills, passed through committees, and were ordered to be reported to-morrow.—Mr. Foster brought up the Howth Harbour Improvement bill, which was read a first time.—The chancellor of the exchequer, pursuant to notice, moved for, and obtained leave, to bring in a bill to enable his majesty to appoint additional commissioners for the better examining and auditing certain accounts of Great-Britain.—The house, on the motion of the chancellor of the exchequer, went into a committee of supply, to which the estimates presented on Tuesday, the petition respecting the Sierra Leone establishment, and the report of the committee respecting the naval asylum, were referred. In the committee were voted the sum of 14,000l for the Sierra Leone company; 5000l. for prosecuting discoveries in the interior of Africa; 20,000l. for erecting a naval asylum; and 9176l. 3s. 3d. Irish currency, as a provision for nonconforming ministers in Ireland, from the 5th January, 1805, to the 5th January, 1806. The house was then resumed, and the report ordered to be received to-morrow.—On the motion of Mr. Vansittart an account was ordered of the amount of the net produce of the permanent taxes laid on before the year 1803. Also an account of the amount of duties of customs and excise charged as outstanding on the 5th of April, 1804, and the 5th of April, 1805, respectively, distinguishing the permanent from the temporary duties.—The house went into a committee of ways and means, on the motion of Mr. Vansittart, and resolved, that an additional duty should be laid on Spanish red wine imported into Ireland, in proportion to the additional duty laid on the same wine on its importation into Great Britain. The report was ordered to be received to-morrow.—In a committee of the whole house it was afterwards resolved, that it was expedient that such additional duty should be charged on such wine imported into Ireland. To be reported to-morrow. The Paddington Canal Coal bill, the Warehousing bill, the 1,500,000l. Exchequer Bills bill, the 8,000,000l. Exchequer Bills bill, the 2,500,000l. Exchequer Bills bill, the Custom House Officers' Fees Abolition bill, the English and Scotch Spirit Exportation bill, and the Cochineal Dust Duty bill, were read a second time, and ordered to be committed to-morrow.

[IMPEACHMENT OF LORD MELVILLE.]—Mr. *Whitbread*, pursuant to the decision of the house last night, went up to the bar of the lords attended by a great number of members, to acquaint their lordships, that he had been commanded by the commons of the united kingdom in parliament assembled, to impeach Henry lord viscount Melville of high crimes and misdemeanors. On his return, he acquainted the house, from the bar, that pursuant to the order of the speaker, he had gone to the bar of the house of lords, and impeached Henry lord viscount Melville, of high crimes and misdemeanors; and had also acquainted their lordships, that this house would, in due time, exhibit particular articles of impeachment against his lordship, and make good the same. Mr. Whitbread then moved, that a committee be appointed to prepare articles of impeachment against Henry lord viscount Melville, which was ordered—On the motion of lord Temple, Mr. Whitbread was appointed one of the members of the committee; and on the motion of Mr. Whitbread, the following members were also appointed to the committee: viz. Mr. Fox, Mr. Grey, Mr. Sheridan, Lord Henry Petty, Lord Marsham, Mr. Giles, Lord Folkestone, Mr. Raine, Dr. Laurence, Mr. Creevey, Mr. Holland, Mr. Calcraft, Mr. Kinnaird, Lord Porchester, Lord Archibald

Hamilton, Mr. C. Wynne, Mr. Jekyll, Mr. Morris, and Lord Temple.—Mr. Whitbread then moved, that the tenth report of the commissioners of naval enquiry, and the report of the select committee on said report, be refered to said committee, which was ordered. It was also ordered on the motion of Mr. Whitbread, that five of the committee be a quorum; that the committee do meet at 10 o'clock to-morrow in the speaker's chamber; that they have power to send for persons, papers, and records; that they have power to adjourn from time to time, and from place to place, and report from time to time, as it shall appear to them, to the house; and that they shall have power to sit during the sitting of parliament, notwithstanding any adjournment of the house.

[WOOLLEN MANUFACTURER'S BILL.]—Admiral *Berkeley* moved the order of the day for the third reading of the Woollen Manufacturer's bill, on which

Mr. *P. Moore* moved that counsel should be called in and heard against the bill, but the speaker suggesting that the third reading of the bill, according to the order of proceeding, should first be agreed to, and then previous to that reading the hon. member might introduce his motion. This form being therefore complied with, and it being ascertained by the serjeant at arms that counsel were waiting to be heard, the question was put for their admission. This question Admiral Berkeley and Mr. Dickenson opposed on the ground of creating delay. It was a bill for the suspension of penalties that, by former acts of parliament, were liable to be imposed on the manufacturers for practices which the interest of the trade required. The act passed for this purpose last session expired in the course of ten days, and were this not passed before that period, an opportunity would be given to such as might be so disposed, to molest and persecute the manufacturers.

Mr. *P. Moore* spoke in favour of the petitioning party. They were by no means anxious for delay, but on the contrary wished the business to be settled. The bill had been before the house two years, and was intended to prevent the due execution of arts that ought, in the opinion of the petitioners, to be enforced, and were necessary to the preservation and prosperity of the trade.

Mr. *Wilberforce* was friendly to the bill, but at the same time thought it fair that the petitioners should have an opportunity of stating their wishes on the subject, and therefore would give his vote for the admission of counsel. The question however was negatived without a division, and the bill read a third time and passed.—Adjourned.

HOUSE OF LORDS.

Thursday, June 27.

[MINUTES.]—The lord chancellor, the duke Montrose, and lord Walsingham, sat as commissioners, and notified the royal assent to several public and private bills. Among the public bills were, the Irish Stamp Duty bill, the Irish Malt Duty Bill, the Irish Spirit Licence bill, the London Fish Market bill, the Army Paymaster's Regulation bill, the West-India Free Port bill, the Irish Election bill, &c.—The Clothiers' bill, and the bill for regulating the corn trade between Great-Britain and Ireland, were brought from the commons and read a first time.—Mr. Pitt's Indemnity bill was read a third time and passed.

[CONDUCT OF JUDGE FOX.] — Lord *Hawkesbury* having moved the order of the day for the second reading of the bill for continuing the proceedings against Mr. Justice Fox till next session, observed, that a noble lord, who was not now in in his place, had expressed his disapprobation of this measure. He was, however, at a loss to conceive on what ground any objection could be made to a bill which was so evidently calculated to promote impartial justice with respect to the public, with respect to the petitioners, and with respect to the learned judge himself. He would do that learned judge the justice to say, that he had shewn every disposition on his part to meet the charge fairly, and to facilitate that investigation, which he was, doubtless, desirous should be completed as speedily as possible. With respect to the witnesses, it was obvious that much expense would be saved, by rendering it unnecessary to bring back to this country those who had already been examined. If it should appear that the bill would violate any broad constitutional principle, it certainly ought not to pass; but it was far from having any such tendency. He reminded their lordships that it was the practice of the house to make a distinction between measures which were strictly legislative, and those which were judicial. The latter were continued from session to session, but the former always ceased upon a prorogation or dissolution. There were other measures, which, though not strictly judicial, were analogous to judicial proceedings; and with respect to these, it had been the practice to bring in a bill for continuing them, to prevent the inconvenience of being obliged to renew them. Such a proceeding took place in the case of sir Thomas Rumbold, and also in that of Mr. Hastings. He could not see how this bill was to interfere either with the prerogative or the privileges of the other house of parliament. It could not pass without the consent of the other branches of the legislature, and when it had their consent it became their act. The only possible ground on which it appeared to him the bill could be consistently objected to, was that of the charges against Mr. Justice Fox being of so trivial a nature as to deserve no farther investigation. Now to enable the house to form an opinion on this view of the subject, they had the ex parte evidence taken before the former committee, to which he should not have referred, had it not been made public at the desire of the learned judge, and also the whole of the evidence given at the bar on one of the charges.—In alluding to this last evidence, he should only say, in the words of the counsel for the petitioners, that, until their lordships heard what the learned and venerable judge had to say upon that evidence, no man could regard a single fact as proved. It would be very improper in him, or any one, to pretend to pronounce an opinion on the charge from that evidence; but this he would say, that it appeared to afford ground for some farther proceedings—for giving, at least, the learned judge an opportunity of explanation and vindication. Though there was no precedent that perfectly applied to the bill, the measure was supported by its analogy to other cases. He therefore moved, that the bill be now read a second time.—The bill was then read, and ordered to be committed.

[GARDNER'S DIVORCE BILL.]—The *Lord Chancellor* quitted the woolsack, and called their lordships serious attention to the standing clause which the bill contained, and to the principle upon which provisions of the kind proceeded. What they were called upon to do in such cases, was to alter the legal qualities of one whose case was brought under the consideration of the legislature, not for its own demerits, but on account of the delinquency of the parent. Clauses of the kind should be sparingly inserted. There were instances he admitted, in which the legislature could have no hesitation: such as where the husband was out of the country, or where a physical impossibility of any nature interfered. Besides the strong objections in point of legal principle, a provision of the kind was, in ninety-nine cases out of one hundred, unnecessary; as the persons interested had legal means in their power of perpetuating the testimony whose evidence they thought would establish the point in view. The noble lord then referred to some of the relevant circumstances of the present case, as they had appeared in evidence, though a part of the testimony to which he referred was of that kind that should be looked at with caution and jealousy; yet he had little doubt as to the result of that evidence. But then there was at least a possibility of the circumstance having been otherwise; and the present was that particular case upon which the legislature should never proceed but upon the clearest possible evidence; and, therefore, with reference to the principle he had laid down, and to the moral rights of legislation, he would propose that the clause to which he had adverted should be expunged.

The Bishop of *St. Asaph* supported the leading observations of the noble lord on the woolsack.—The clause, on the question being put, was ordered to be expunged, and the bill was then read a third time and passed.

[OFFENDERS' ESCAPE BILL.] — Their lordships having resolved into a committee on this bill,

The petition of Mr. Justice Johnson, presented and read last night, against certain clauses of the bill, which went as stated to affect his case in the nature of an ex post facto law, and praying, as in the concluding terms of the petition, "that his case might not be affected by a law which was not in existence at the time of the alleged offence," was read.—Mr Adam and Mr. Parke were then heard, the former at considerable length, in support of Mr. Justice Johnson's petition. Mr. Adam went into a history of the former act to amend which the bill before the committee was intended; also the case of his learned client, from the time of its first being brought under the consideration of the Irish courts of law, to the present moment of its pending in the Court of King's Bench in England. He dwelt upon the consideration of the bill in its present shape, going to affect the learned judge's case in the form of an ex post facto law; adverted to the point, that the act under which he was to be tried, afforded no power of compelling the attendance of witnesses from Ireland, argued for the propriety of trying the learned judge before an Irish court of law, in a country where his person, character, and conduct, were better known, than they could possibly be in this. The learned counsel enforced principally these leading considerations, with his usual talents and scientific knowledge.—Mr. Parke supported the arguments of his learned brother. He dwelt forcibly on the objectionable considerations of an ex post facto law, and adverted to the circumstance of there being no act before the 44th of the king, by which the learned judge could be tried in an English court of justice; and stated, that the learned judge had no opportunity of being heard before the other house of parliament, because the clauses he principally objected to were not introduced till the third reading of the bill, when they were added by way of riders.—Mr. Adam, in the course of his address, referred to some clauses, the introduction of which, he humbly submitted, would, on the others being expunged, render the bill unobjectionable in the way complained of by the learned petitioner.—Their lordships then proceeded to the discussion of the provisions; and several amendments, chiefly verbal, were made, on the suggestion of the lord chancellor.

The Earl of *Westmeath*, confessing himself not adequate to the task, said he would not trouble the committee with any law observations upon the subject, but begged leave to move the introduction of one or two clauses, which, we believe, were similar to those adverted to by the learned counsel.

The *Lord Chancellor* observed, that what was now proposed, brought on the question of the desired amendments, and the proposed clauses. The adoption of those as proposed, he felt it his duty to resist, as nothing could be more true, or clearer in law, than that for a libel published in England, one could duly be tried by the laws of this country. He meant not now to go into the consideration of the general law, as relating to the publication of libels, but merely to say that he knew enough to be convinced, that were he or any man to write a libel in London, and publish the same in York, or vice versa, no lawyer could say that such would not involve two distinct offences, and for which the libeller might be tried either in the counties of York or Middlesex. With respect to the idea thrown out that there was no opportunity of compelling the attendance of witnesses, he observed, it was the general duty of all his Majesty's subjects to attend in the king's courts of law, and that the process issued was the only means of compelling such due attendance. With respect to certain other considerations, which had been adverted to as applicable to the bill in question, he should certainly give the points his best attention, and try whether he could not, either on the report or on the third reading propose a clause, which would be the means of doing ample justice to the country, and to the individual concerned; as he freely admitted, justice could not be done to the country, if it were with-held from the individual. What he proposed would go to obviate any thing which might result from the present bill, in the way of construction, to prejudice the pending cause adverted to, and afford the party the means of compelling the attendance of witnesses on his behalf.—After some farther observations from the lord chancellor, the clauses proposed by the noble earl, who seemed to express himself satisfied with the tendency of what fell from the noble and learned lord, were negatived.

HOUSE OF COMMONS.

Thursday, June 27.

[MINUTES.]—Mr. Serjeant Best gave notice that he should postpone his motion on the eleventh report of the commissioners of naval enquiry which stood for Monday, to Thursday.—Mr. Giles brought up the report of the committee on the Bank Forgery bill. The amendments were agreed to, and the bill ordered to be read a third time tomorrow.—The Leith Harbour bill was read a second time, and ordered to be committed to-morrow.—Lord Glenbervie reported from the committee of secresy, to whom so much of the eleventh report of the commissioners of naval enquiry, as relates to the advance of one hundred thousand pounds for a secret naval service, was referred; and who were empowered to report their opinion and observations thereupon to the house; that the committee had considered the matter to them referred, and had come to a resolution thereupon, which they had directed him to report to the house; and he read the report in his place, and afterwards delivered it in at the table, where the same was read;

and the resolution of the committee is as followeth, viz. Resolved, "That it is the opinion of this committee, that the said 100,000l. was advanced for an object to which the supplies granted for naval services were applicable; that the application thereof to that object was a measure in which the interests and honour of this country were concerned; that it was issued by the comptroller of the navy under orders from the lords of the treasury, with the knowledge and authority of the first lord of the admiralty, and in the fittest mode for answering the end proposed; that the clearing bill for 95,000l., part of the said sum of 100,000l., was granted on just and proper grounds; that the circumstances of the application of the money were of such a nature, that a disclosure of them, either at the period when they took place, or at any time since, would have been attended with public inconvenience; that it must be matter of regret, if any thing has occurred in the mean time which may have tended, in any degree, to such a disclosure; and that the reasons against such disclosure still continue, and render it the duty of the committee to abstain from entering into any farther particulars on the subject." Ordered, that the said report do lie upon the table, and be printed for the members of the house.—The British Museum bill for the purchase of the Townleian collection was committed, and the report was ordered to be received tomorrow. — Mr. Sturges Bourne obtained leave to bring in a bill to enable the commissioners of his majesty's treasury to purchase certain grounds and premises adjoining the town hall of Westminster, for public purposes. The bill was afterwards brought in, read a first time, and the second reading ordered for to-morrow,—Lingham's Divorce bill was read a second time. Evidence being heard to prove that Mrs. Lingham was out of the kingdom, the service on her mother, Mrs. Dixon, was declared to be good service.—In pursuance of a message from their lordships, the speaker attended in the house of lords, and on his return informed the house, that the royal assent had been given by commission to the Lottery bill, the Additional Stamp Duty bill, the Spanish Red Wine Duty bill, the Loyalty Loan bill, the Post-horse Farming Duty bill, the Irish Malt Duty bill, the Irish Licence bill, the Commissioners of Taxes bill, the Paymaster Generals Regulation bill, the Auditors Accounts bill, the West India Imports and Exports bill, the Irish Freehold bill, the British and Irish Militia Pay bills, the Irish Compensation Commissioners bill, the Militia Subalterns bill, and a number of private bills.—On the motion of Mr. Huskisson, the house went into committees on the act relative to the drawbacks on sugar, and on the act relative to the duty on hops. The reports of these committees were ordered to be received to-morrow. — On the motion of Mr. Whitbread, Mr. Serjeant Best was ordered to be added to the committee, to whom was entrusted the drawing up of the articles of impeachment against lord Melville.— Mr. Whitbread gave notice, that to-morrow he should move for leave to bring in a bill to indemnify Mr. Trotter from the penalties he had incurred by the acts detailed in the tenth report of the commissioners of naval enquiry.—On the motion of the secretary at war, the house went into a committee on the bill for enabling his majesty to keep in full pay the officers of the militia, notwithstanding the reduction.—Colonel Stanley introduced a clause, empowering his majesty, where the establishment of a militia regiment consisted of a colonel, two lieutenant-colonels, and two majors, in case of the death or resignation of one of the majors, to retain the junior lieutenant-colonel with his own rank, but with the pay of major alone. By this measure the hon. colonel contended, that his majesty would frequently be enabled to retain a valuable officer, who would otherwise be lost to the service. After a few words from the secretary at war and lord Temple, the clause was agreed to, and the house having resumed, the report was ordered to be received to-morrow.—On the motion of Mr. Rose, it was ordered that the house should, to-morrow, go into a committee on the act relating to the drawbacks on the exportation of linens from Great Britain.—The Custom House Fees bill, and the Warehouse bill, went through committees, and the reports were ordered to be received to-morrow.—Mr. Rose brought in a bill for imposing additional duties on straw bonnets, &c. imported into Great Britain; and Mr. D. Giddy a bill for encouraging the Pilchard fishery, which were read a first time, and ordered to be read a second time to-morrow.—Mr. Paull gave notice, that to-morrow he should move for papers relative to the appointment in India of the hon. Henry Wellesley.—Mr. S. Bourne brought in a bill for purchasing ground in Old Palace-yard, &c. which was read a first time, and ordered to be read a second time to-morrow.—The house went into a committee on the Irish Loan act, the report of which was ordered to be received to-morrow.—Colonel Craufurd, adverting to the returns of the effective strength of the regular army that had been laid on the table yesterday, observed that in the last return the recruits at the foreign depôt in Great Britain for the regiments on foreign service were stated as part of the effective strength of those regiments, while in the early returns they were not included, so that the house would be unable to judge accurately of the comparative strength of our regular army at different periods; he therefore moved, that there be laid before the house a return of the number of recruits for regiments on foreign service at the foreign depôt on the 1st of January, 1804, 1st of January, 1805, and 1st of June, 1806; observing that as these returns could with ease be made by to-morrow, he should not be obliged to delay his motion on account of them.—The secretary at war said, that in the returns of the two first periods in the hon. colonel's motions, those recruits (amounting then to 1000 men) had not been included in the return of the last period, (to the amount of 2000 men) they had been included. Colonel Craufurd's motion was then agreed to.—The Dublin Harbour Improvement bill was read a second time, and ordered to be committed to-morrow.—On the motion of Mr. Foster, it was ordered that the house should to-morrow go into a committee on that part of a certain act which related to military surveys in Ireland.—Mr. Ormsby brought up the report of the committee of supply, the resolutions of which were read and agreed to, and bills ordered accordingly.—The Exchequer Bills bill went through a committee, in which a clause was introduced on the motion of the chancellor of the exchequer, to indemnify the bank for advancing money on the exchequer bills of the year 1803. The occasion of this clause was, that among the occasions of the vote of credit for that year, stated in the preamble of the bill, the invasion then apprehended was mentioned as the first. In engrossing the bill, by an inadvertance of which this was not the only instance, all the other occasions but the invasion were left out. As there could be no doubt that the objects of parliament in passing the vote of credit were not restricted to the event of the invasion the money had been advanced; and it was not till lately, perhaps from the effect of events that had recently happened, that it occurred to them to desire this indemnity, which there could be no doubt the house would grant for their satisfaction. The clause was agreed to. The reports were ordered to be received to-morrow.—Mr. Lamb from the South-Sea company presented to the house, pursuant to orders, an account of the amount of all unclaimed dividends on the public funds, which were receivable before 10th of October 1780, remained unpaid on 30th September and 31st December in the same year, and have since been paid at the South-Sea House; and also, an account of the amount of all unclaimed dividends on the several annuities payable at the South-Sea House, which were receivable before the 10th of October 1802, and remained unpaid on 30th September and 31st December in the same year; and also, an account of all stocks standing at the South-Sea House in the name of the accountant general of the court of chancery or the deputy remembrancer of the court of exchequer, in trust for the suitors of those courts respectively; made up to the 1st of October 1804. Ordered that the said accounts do lie upon the table.—Mr. Bulle from the exchequer presented to the house, pursuant to their address to his majesty, an account of all monies which had been issued by his majesty's orders, pursuant to the addresses of the house of commons, and which have not been made good by parliament; with a duplicate. Ordered, that the said account do lie upon the table.—Mr. Huskisson presented to the house, pursuant to their orders, return of the number of men raised for the new levies between the 1st January and 1st May 1805, which are included in the adjutant general's return of recruits raised during that period, by the ordinary mode of recruiting; and also, return of the number of men who had volunteered from the militia into the regular army under the act of the 10th April 1805, who are included in the adjutant general's return of the effective strength of the army on the 1st of May 1805. Ordered, that the said returns do lie upon the table; and be printed for the members of the house.

[Duke of Atholl's Claim.] — The chancellor of the exchequer moved the second reading of the duke of Atholl's Compensation bill, which was opposed by

Mr. *Curwen*, who alleged that the increasing revenue, which was one supposed ground of compensation, arose not out of the prosperity, but out of the misfortunes of the country, and that therefore his grace had not a fair claim upon the public. He moved that the bill be committed this day three months.

Mr. *Fuller* suggested the propriety of appointing commissioners to enquire into the facts of the case, and report thereon to the house before the passing of the bill.

Mr. *Davies Giddy* did not deny that the noble duke had lost most splendid honours, but he denied that he had sustained any loss in property.

Mr. *Windham* said that there was not the least appearance of a case made out on the part of the noble claimant. By the natural and fair exercise of our own power, we had so diminished the revenues of this island, that his grace voluntarily sold his inheritance for what was then a full compensation for his annual loss of income; he was neither compelled by Mr. Grenville nor any other person.—The question was then put, and the numbers were for the second reading 50, against it 12, majority 38, after which the bill was ordered to be committed to-morrow.

[SMUGGLING PREVENTION BILL.]—On the order of the day for the third reading of this bill, counsel was called in on behalf of the petitioners against the bill. Mr. Plomer appeared as counsel for the petitioners against it, from the islands of Jersey, Guernsey, Alderney, and the Isle of Man; and represented their use at considerable length. He went into the various charters, and tenures, by which the islands of Jersey and Guernsey were held by the crown of England, and maintained, that the parliament of England were not entitled to legislate internally for those islands, which had always internal regulations of their own. He dwelt very particularly on the rights of the island of Guernsey; and maintained, that this island having, as well as Jersey, been under the dominion of the dukes of Normandy, before the conquest of England, by William I. and being the only part of the original possessions of that conqueror, now under the British crown, they had as good, if not a better right, originally to legislate for Great Britain then, than Great Britain had to legislate for them. He then stated the length of time in which those islands had been in possession of this commerce, without which, they would, in fact, have no trade at all, and be deprived of their subsistence. Neither would it be ultimately beneficial to the revenue; for, though the provisions of the bill would ruin those islands for ever, yet the eventual effect would be, that, at the return of peace, the same trade would inevitably be transferred to the opposite coast of France.—After the counsel had withdrawn:

The *Chancellor of the Exchequer* rose, and said, that he had listened very attentively to the speech of the learned counsel, and as many of the points urged by him wore an air of argument and novelty that might appear to deserve some consideration, he should have no objection, if it was desirable to members, to postpone further proceedings on the bill till to-morrow. At the same time, he considered, that the right of a British parliament to legislate for those islands, was established by long usage, and precedents in number, beyond all possibility of doubt. He therefore moved, that the third reading of the bill be postponed till to-morrow.

Mr. *Windham* rose, he said, with his mind strongly impressed by the very forcible arguments which he had just heard from the learned counsel at the bar, many of which, even in a constitutional view, required very serious consideration, and, on the ground of policy, suggested the necessity of proceeding with cautious deliberation, before a law was adopted creating crimes subject to very severe punishments, and suddenly operating too upon a people to whom it would be totally new, and to whom, without some more reasonable warning, it would, no doubt, be productive of many serious and vexatious embarrassments in the way of their trade. Revenue was certainly a good thing for a minister to look to; and smuggling was a very great evil, which required the greatest vigilance and exertion for its prevention: but in this case there were other considerations also to be looked to; and first, whether this bill could be fairly considered as a constitutional infringement upon the alleged independence of those islands inhabited certainly by a people of a very ardent spirit, and who had long manifested their loyalty and attachment to this realm, and to whom, perhaps, at this particular crisis, it might not be altogether wise to give any feasible cause of irritation, by the passing a law which could not fail to operate vexatiously, if it was to have any very speedy effect, and the motives for which, the people on whom it would operate, had not fully or fairly before them: and, secondly, whether in grasping at money, we might not risk the loss of the islands. He was not going to question at this moment the right of the country to legislate for those islands, the right of the strong over the weak. It was to the prudence of the proceeding at this particular crisis that his doubts were directed. He took shame to himself, that he had not attended to the previous progress of the bill, but he thought the objections to it were in no inconsiderable degree increased, by the proposed law being brought in as a clause in another bill, instead of being, as it ought, a distinct measure, and being brought forward at so late a period in the session. He was glad, however, the right hon. gent had agreed to postpone proceeding, but thought it should be to a more distant day.

The *Chancellor of the Exchequer* answered, that with respect to the right of a British parliament to legislate for those islands, no doubt whatever could exist, as the right had been established time immemorial by usage and precedent. He did not feel it necessary to go quite so far back, as the learned counsel in tracing the question. But it would be found, on recurring to the rolls of parliament, in the reign of Edward the IIId. and to the statutes of queen Anne, that the British parliament had passed laws imposing duties on, and otherwise legislating internally for those islands. That the act of habeas corpus, in the reign of Charles II. extended its operations to those islands by name, in the same manner as in this country, and that an act of the 2d of George II. imposed a sixpenny duty on ships in their ports, for the support of Greenwich hospital, to be collected by officers within their islands; and here again was internal legislation. The act of settlement also annexed those islands to the British dominions, and required that all civil and military officers within those islands, should take the oaths of allegiance to the British crown; therefore the question of legislative right was put beyond all doubt. He was aware of the hon. gent.'s observation, as to the ardent spirit of the inhabitants of those islands; that one was more jealous than the other of its aristocratical dignity, on the ground of high descent, and that the other might feel jealousy on the score of what they called the rights of fair trade;—very different construction, however, from that species of commerce, from what it usually bore in this country. However, it would not be denied, that revenue was a matter of most material consideration to this country in the midst of a war; and when it was remembered, that the loss of revenue occasioned to the country by the smuggling trade, carried on through the medium of those islands, was not trivial, but enormous, he trusted the house would feel the necessity of adopting effectual checks for reducing the commerce of those islands to the same controul with all the other branches of his majesty's dominions. That the measure had not been discussed sooner was not his fault: it was introduced early in the session, and printed above a month; there was a petition against it before the house for a considerable time, and the parties were at liberty to come forward by their counsel, if they had so thought fit, in any former stage of the bill, without waiting to the very last stage.

Mr. *Grey* coincided in the objections of his right hon. friend (Mr. Windham) and said, there was one point urged by the counsel, which struck him as a circumstance for very mature consideration; namely, that of bringing persons from within the jurisdiction of their own laws and government for crimes created by this bill, and trying them before a British court and jury. He would admit that smuggling was there carried on to a most mischievous extent. He lived on a part of the coast where he had opportunities of knowing the fact; but he thought it would be wise to try if the evil could not be checked by other means, without resorting to a measure of this nature. Were it in time of peace, the only effect would most probably be to transfer the trade now carried on at those islands to the French coast; but in a period of war, and when these islands were to this country so valuable as a commercial medium, no risks should be run of a loss infinitely greater than any benefit to be derived through the operation of this bill.

Mr. *Fellowes* allowed it was a strong bill; but it was admitted by all who best knew the extent of the evil, that nothing but a strong measure could check it.

Mr. *Sturges Bourne* thought it rather a strange argument to offer to a British parliament, that the independence of those islands was less injured by being governed under the more arbitrary principle of edicts from the king in council, than under the constitutional protection of a British parliament. With respect to the observation of the hon. member who spoke last but one, namely, the bringing persons out of the jurisdiction of Guernsey and Jersey to be tried in England for crimes committed within that jurisdiction, it was by no means intended by this bill; and if the clause was thought to be worded so as to convey that meaning, it would certainly be modified, for it was meant that all crimes committed within those jurisdictions should be also tried there.—The further proceeding on the bill was deferred till to-morrow.—Adjourned.

HOUSE OF LORDS.

Friday, June 28.

[Minutes.]—Pursuant to the order of the day, their lordships resolved into a committee of privileges, and lord Walsingham having taken the chair, the solicitor general was heard at considerable length, in support of the evidence adduced by the duke of Rutland, and on behalf of his title to the above barony, towards his conclusion. He said he trusted he had made out to the satisfaction of their lordships, all those propositions that proved the noble duke to be entitled to the barony; that he had always held the barony by tenure, being possessed of the territory by which it was constituted; that a barony, so held, could not descend to the heirs general, except accompanied by the territory; and that he held it impossible that the noble petitioner, lady Henry Fitzgerald, could support her claim. The chairman was then ordered to leave the chair. The farther consideration of the case was postponed, and the house resumed.—The bills upon the table were forwarded in their several stages, and several bills brought up from the commons, were read a first time.—The lord chancellor having proposed the recommitment of the Stipendiary Curates' bill, their lordships accordingly resolved into a committee on the same. Some further alterations and amendments were made, principally on the suggestion of the lord chancellor, and in the course of some discussion on the different points between his lordship and the bishop of St. Asaph; after which the house resumed, and the report was ordered to be received to-morrow.—The Irish Civil List bill, and the Poor Clergy Relief bill, severally went through committees of the whole house, and were ordered to be reported.—The second reading of the Irish Revenue Regulation bill was, on the motion of lord Hawkesbury, postponed for three months. The principal reason assigned by the noble secretary of state was, that commissioners being appointed to enquire regularly into the subject, affected by the bill, it would be desirable to have the report of those commissioners before parliament previous to the passing such a bill as that in question.

[Woollen Manufacturers' Petition.]—A petition was presented from certain persons, whose names were thereunto subscribed, by lord Walsingham, against the bill, now pending before their lordships, for continuing the suspension of prosecutions until the first day of March next, of certain persons engaged in the woollen manufacture, &c. praying that the same may not pass into a law; and for leave to be heard by counsel against the same. The prayer of the petition was strongly opposed by

The Duke of *Montrose*, who observed, that with respect to the laws which had been passed relative to the machinery employed in the trade, which made part of the subject of the bill, it might be desirable to repeal, or modify them. On that, however, he meant not then to give an opinion; but, with regard to the acts, which authorised the enforcing penalties for the use of machinery in the woollen trade, it was deemed expedient, under the circumstances, to suspend prosecutions, which might have arisen, by an annual bill; and this mode of proceeding took place for the two last years, that now before their lordships went to continue that suspension for a short time longer, only till the 1st of March next, as it was proposed, the general subject should be taken up early in the next session. Were the present bill not to pass, an immediate burthen would be thrown upon those it was meant to relieve, as the act, at present in force, would expire on the 1st day of July. The noble duke moved that the bill be now read a second time.

Lord *Holland* thought the usual practice of hearing petitioners by councel, should not be departed from in this instance.

Lord *Hawkesbury* stated the grounds of dispute between the manufacturers and the workmen, to consist in the introduction of machinery, which was prohibited by various old statutes that had long ceased to be enforced. It was a question of considerable difficulty, whether these statutes should be wholly repealed, or how they might be so modified as to remove all reasonable grounds of complaint on either side.

Lord *Holland* professed himself to be satisfied with the explanation just given by his noble friend, and said, he only regretted that the bill did not go to the total repeal of the statutes in question.

The *Lord Chancellor* was adverse to the principle of suspension bills, and expressed his satisfaction at the implied pledge that the general subject was proposed to be taken up early in the next session, was agreed to by the house. The bill was then read a second time and committed for to-morrow.

[Conduct of Judge Fox.]—Their lordships resolved into a committee on the bill for continuing the proceedings in the case of Mr. Justice Fox, in the next session of parliament. Some amendments were proposed by the earl of Radnor, the principal one of which was in the preamble of the bill, and adverted to the acts, with reference to which the house had proceeded in the case. To this no objection seemed to be urged; but the noble earl having, in the first instance, in his amendment, called their lordships "the house of peers," the phrase was objected to, as not the most proper, particularly by

Earl *Stanhope*, who said they were not a house of peers, but a house of lords; because, for instance, the bishops were not peers, but lords of parliament.

Lord *Hawkesbury* had no particular objection to the phrase, but thought the appellation most frequently used should be adopted. This he conceived to be "the house of lords," and such wording he had used in the first instance.

The *Lord Chancellor* thought, upon the whole, the term house of lords to be preferable: In a legislative sense, the house collectively, was always termed, "the lords spiritual and temporal."—The alteration in the earl of Radnor's first amendment was accordingly made, and the bill, after receiving some further amendments, was agreed to by the committee, and ordered to be reported to-morrow.

[Trust Monies.]—Earl *Stanhope* called the attention of their lordships to a topic, which, he conceived, strongly called for some legislative interposition. He alluded to the circumstance of monies being vested on trust to a considerable amount, with respect to which, in consequence of trustees becoming bankrupt, or otherwise failing in their circumstances, injurious effects might arise. To prevent these was the object of the bill he should propose, and which, in his own opinion, and in those of many peers he had consulted on the subject, was very desirable. The bill was very short; its leading provision was, to enable the parties interested to petition the lord high chancellor for the time being, who was authorised by the bill to give the necessary relief. He then presented his bill, which was entitled, "an act for the better securing of trust monies."

The *Lord Chancellor* observed, that though a bill might be very short, a great deal might be done by it. With respect to the legislative measure proposed by the noble earl, he did not object to its principle, but imagined it might require some amendments in its phraseology.—The bill was then read a first time, and ordered to be printed. The remaining orders of the day were then disposed of, and some private business transacted; after which the house adjourned till to-morrow.

HOUSE OF COMMONS.

Friday, June 28.

[Minutes.]—Mr. Dickinson, jun. presented to the house, pursuant to their orders, copies of the reports which have been made to the navy board by the officers of the dock yards, on examining the Stetin timber, which was used on his majesty's ships some years since by way of experiment to ascertain its durability; and also, an account of sums paid for repairs of the ships therein-mentioned, shewing to whom such sums were paid, and the years in which paid, together with the price which each of the ships would have cost if built by contract at the respective periods; and also, an account shewing the price of timber in the king's yards on the 18th of February 1801, and the advances which have been since made thereon—the advantages given by the alteration in the mode of measurement and qualifications are shewn in money; and also, an account of the prices given for oak timber in a rough state, delivered at his majesty's dock yards; and also, an account of the qualifications and prices of sided timber. Together with a schedule of the said papers: and the said schedule was read. Ordered, that the said papers do lie upon the table.—Mr. Sturges Bourne brought up the report of the committees on the act relative to the duties on foreign crown and plate glass. Leave was given to bring in a bill for laying an additional duty of 2s. 6d. a foot on every foot, superficial measure, of all foreign rough plate glass, and ground or polished plate or crown glass imported into Great Britain; and also an additional duty of customs of one shilling on every foot superficial measure, of German sheet glass imported into Great Britain.—Mr. Sturges Bourne reported from the committee of the whole house, to whom it was referred to consider of so much of an act, made in the 43d year of his present majesty, as charges a duty on hops, the resolution which the committee had directed him to report to the house; which he read in his place, and afterwards delivered in at the table; where the same was read, and agreed to by the house, and is as followeth, viz. Resolved, that one halfpenny of the duty of two-pence-halfpenny per pound weight avoirdupois, charged by the said act on hops the growth of Great Britain, do cease and determine. Ordered, that a bill be brought in upon the said resolution; and that Mr. Sturges Bourne, Mr. Huskisson, and Mr. Alexander, do prepare, and bring in, the same.—Mr. John Latouche reported from the committee, to whom the bill to repeal several acts, passed in the parliament of Ireland, for regulating the baking trade in the city and county of Dublin, and liberties thereof, and for better regulating the said trade; and for preventing frauds in the buying and selling of corn, was committed; that the committee had examined the allegations of the bill, and found the same to be true; and that the committee had gone through the bill, and made several amendments thereunto, which they had directed him to report to the house; and he read the report in his place, and afterwards delivered the bill, with the amendments, in at the table, where the amendments were read, and agreed to by the house. Ordered, that the bill, with the amendments, be ingrossed.—Mr. Blackburne, of Lancashire, according to order, reported from the committee of the whole house, to whom the bill to explain and amend an act, made in the last session of parliament, to regulate the importation and exportation of corn, and the bounties and duties payable thereon, was committed; the amendments which the committee had made to the bill, and which they had directed him to report to the house; and he read the report in his place, and afterwards delivered the bill, with the amendments, in at the table, where the report was read. After a long conversation, in which Mr. M'Dowal, Mr. Fergusson, Mr. Rose, Mr. Patteson, lord A. Hamilton, sir John Sinclair, and Mr. Giddy, took a part, an amendment was made on the suggestion of Mr. M'Dowal, in the clause relating to the mode of taking the average price for exportation and importation into Scotland, which is now to be taken in virtue of the clause so amended, from the average of the twelve maritime counties of England and Wales, instead of the sixteen maritime districts of Great Britain; the bill was ordered to be read a third time on Monday.—Mr. Sheridan moved, that the order of the day, for the house to resolve itself into a committee of the whole house, upon the bill for settling and securing a certain annuity on John, now Duke of Atholl, and such person or persons as would for ever hereafter, for the time being, have been lord or lords of the Isle of Man, if the same had not been re-vested in his majesty, by an act passed in the fifth year of his reign, be now read. Mr. Curwen said, he could not consent to go into the committee. The house divided: for going into the committee, 50; against it, 22. The house then went into the committee. The proposed compensation was agreed to, and the report ordered to be received on Monday.—A petition of William Lingham, the younger, was presented to the house, and read; setting forth, that, by an order of the house, made on the second reading of the ingrossed bill from the lords, intituled, An act to dissolve the marriage of William Lingham, the younger, with Eliza Lingham, his now wife, and to enable him to marry again, and for other purposes therein mentioned, it was ordered, that it be an instruction to the said committee, that they do hear counsel, and examine witnesses, for the said bill; and also, that they do hear counsel, and examine witnesses, against the said bill, if the parties concerned think fit to be heard by counsel, or produce witnesses; and that the petitioner is informed, and verily believes, that the said Eliza Lingham is now, and has been for upwards of two years back, in the dominions of France; and therefore praying, that the service of the said order, and delivering a copy of the said bill, to Mrs. Dixon, the mother of the said Eliza Lingham, and at whose house the said Eliza Lingham last resided in England, may be deemed as effectual notice to the said Eliza Lingham of the order of the house, and of the time of the commitment of the said bill, as if the same had been personally served on the said Eliza Lingham. Ordered, that the said petition do lie upon the table.—A petition of John Woodhouse, of Douglas, in the Isle of Man, in behalf of himself and other fish curers in the said island, was presented to the house, and read; setting forth that, encouraged by various acts of parliament, the petitioner, and other fish curers, in the Isle of Man, had invested a considerable sum in the purchase of vessels, and in the building of numerous and expensive houses necessary for the curing of herrings, within the said isle; and that an act was passed, in the 26th year of his present majesty, for the more effectual encouragement of the British fisheries, and, in the year 1787, the bounty granted by the said act was paid in the Isle of Man on herrings cured, either red or white; but, by a subsequent, and, as is contended, an improper interpretation of the act, it has since that time been discontinued to the former, and is now only paid on herrings cured white, which make an object of comparatively small importance, the principal curing in the island being red; and that the payment of the shilling bounty on herrings cured red, according to the legal requisites, has regularly been made to the Liverpool and Yarmouth fisheries, as also to the petitioner, at Port Isle Martin, in Scotland; and that the intention of the legislature, that due and equal encouragement with that granted to his majesty's other British subjects should be given to the inhabitants of the Isle of Man employed in the said fisheries is clearly expressed in the said act; and that the petitioner observes, from the returns laid upon the table of the house, that very considerable balances of the revenue accruing on customs, are now in the hands of the receiver general, or others, subject to the disposition of parliament; and that the petitioner has also learned, that the Duke of Atholl, by his petition of the 26th of March last, seeks to obtain a further compensation out of the surplus revenue of the Isle of Man, on the grounds of alleged inadequacy of price, for the rights ceded by his family to the crown in 1765; and that the petitioner, on behalf of himself and others concerned in the herring fishery, and from whom such bounties as aforesaid have been with-held, begs leave to submit, that any such permanent appropriation of the surplus revenue, or grant of the present accumulated balance, might be subversive of the just claims of the petitioner and others, and would be highly injurious to the fisheries of the said isle; and therefore praying, that the case of the petitioner and his fellow sufferers may be taken into consideration, and that he may be heard, by his counsel, in support thereof, and against the measure of alienating any part of the revenue of the Isle of Man. Ordered, that the said petition do lie upon the table.—An ingrossed bill was received from the lords, intituled, "An act to vest the settled estates of John Hamilton Fitzmaurice, commonly called lord Kirkwall, in the counties of Denbigh and Flint, in trustees, in trust to be sold for the payment of debts affecting the same, and his other settled estates; and after payment thereof, for the investment of the residue of the monies to arise by such sale in the purchase of other estates to be conveyed to the uses of the said settled estates, and for other purposes therein mentioned," was read a second time, and committed.—Mr. Giles presented to the house (according to order) a bill to alter and extend the provisions of the laws now in force for the punishment of the forgery of bank notes, bills of exchange, and other securities, to every part of the united kingdom; and the same was received, and read the first time, and ordered to be read a second time to-morrow.—An ingrossed bill for dividing and allotting lands in the parish of Snalewell, in the county of Cambridge, was read a third time and passed.—A message was received from the lords, stating, that the lords have agreed to the bill, intituled, "An act to indemnify all persons concerned in advancing 40,000 pounds to Messrs. Boyd, Benfield, and Company, in 1796, out of monies issued for naval services; without any amendment;" and also, that the lords have agreed to the bill, intituled, "An act to amend, and render more effectual, an act, passed in the 42d year of his present majesty's reign, for consolidating the provisions of the several acts passed for the redemption and sale of the land tax into one act;" without any amendment.—Mr. Whitbread, pursuant to his notice, moved for leave to bring in a bill to indemnify Mr. Trotter, and such other persons who had acted under lord Melville, when treasurer of the navy, as may be called upon to give evidence on the impeachment, from any penalties that may attach to them from any share they may have had in the transactions with respect to which they will be called upon to give testimony. Leave given.—On the motion of Mr. Rose, the house went into a committee on the southern whale fishery bill. Mr. Barham wished for a time to present a petition on behalf of certain Americans settled at Milford, hitherto permitted as an encouragement to pursue this fishery, to import the oil duty free. Mr. Rose and Sir C. Price contended that the privilege was abused, by importing the oil from America, and not deriving it from the fishery. After a few observations from Mr. Sheridan, in support of Mr. Barham's observations, the house went into a committee, Mr. Barham proposed in the committee a clause to continue the indulgence granted to those Americans. The house divided, the claim was negatived, and the report was ordered to be received on Monday.

[PETITION OF MR. TODD JONES.]—Mr. *Fox* presented a petition from Mr. Todd Jones, confined in Cork gaol, complaining of various hardships. The petition is as follows:—'To the honourable the commons in parliament assembled, the humble petition of William Todd Jones,—Sheweth that your petitioner was arrested in the county of Cork, in his bed, early in the morning of the 29th of July, 1803, by the rev. William Stewart, lieut. Douglass, and a numerous body of soldiery, upon a warrant, as alledged, of gen. W. Myers, but which warrant petitioner never saw. That he was detained one night in the military guard-house of Bandon, and next day under a strong escort, was lodged in the south gaol of the city of Cork, upon the warrant of the mayor of Cork, which warrant your petitioner saw; that after a detainer there of 4 days, he was conveyed to the provost prison of the same city, and lodged in the close custody of the provost martial.—That petitioner was utterly denied the opportunity of seeing his friends, and that such as sought to see him were repelled with insult and ill treatment. That his sister made repeated applications in vain for admission to the prison; and a Mr. Goold, a gentleman of respectable character, property, and unimpeached loyalty, who hearing that petitioner was severely indisposed, called to visit him, was in consequence of his visit arrested, and detained in custody during the period of sixteen days.—That some time after the committal of petitioner, he received from the right hon. William Wickham, then principal secretary to his excellency the earl of Hardwicke, lord lieutenant of Ireland, a tender of liberation, provided he would go to England and remain there at large.—That your petitioner conscious of the most perfect innocence, and considering that acquiescence in such a proposal would imply guilt, respectfully declined it; at the same time tending to Mr. Wickham the most ample satisfaction that an unreserved examination on oath could afford, and intreating a speedy trial.—That your petitioner has remained ever since in close custody, now for 20 months, sustaining all the rigour of a military provost, and added to them, the unwholesome dampness of a new, undried and unfinished edifice, to the material injury of his health.—That the creditors of your petitioner, induced by the conclusions they drew of his danger or guilt, from so rigorous an imprisonment, and his total seclusion, by order of the general, from them and all his friends, came down upon him at once with their demands—to satisfy which he relinquished to them his moderate income; and has ever since been confined for subsistance to the mere gaol allowance.—That your petitioner is now very infirm, and of the age of 52 years, thus oppressed, untried, and unheard.—That your petitioner humbly prays this honourable house would be pleased to take his case into its consideration, and grant him such redress for the heavy calamity he has sustained in the loss of liberty and time, of health, reputation, and pecuniary credit, as to its judgement and benevolence may seem meet.—Your petitioner will ever pray.'

Mr. *Fox* was sure if the facts alledged in the petition were true, and he had every reason to believe them so, that no good disposition towards the people of Ireland, no character of humanity in the Irish government, could secure individuals from hardships arising from the exercise of the unlimited power with which that government was invested. It was not necessary at this time to go into the case at large, nor was it necessary that the facts alledged in the petition should be true in their full extent (though he believed them to be true in their full extent,) to shew the extreme hardship the petitioner endured, it was generally stated, and he believed it was not denied any where, that an offer had been made to this gentleman to be at large in England if he pleased to accept his release on that condition. This offer was a proof that nothing could be urged against him amounting even to the presumption of a grave offence. It was hopeless to propose to the house to go into any inquiry into the circumstances of this case. He should only move, that the petition do lie on the table, and he recommended to his majesty's government, and if he could he would recommend it also to the lord lieutenant of Ireland, to look into this gentleman's case and situation; and even though the allegations of the petition should not be accurate, to consider whether it was warrantable to continue the hardships under which he laboured. He understood that Mr. Jones's health had suffered material injury, and whatever offence might be imputed to him, that was deserving of material consideration. He hoped those who had it in their power to give redress would give attention to this as well as to the other circumstances of the case.

Mr. *Sheridan* declared that the case now submitted to the house was one of the most extraordinary hardships and oppression under which he ever knew an individual to labour in this empire. He knew that a great part of the allegations were true, and therefore he could safely take upon him to recommend it to the right hon. gent. opposite (Mr. Pitt) to take it under consideration. That right. hon. gent. would feel himself called on, particularly in this instance, as the transaction had originated during another administration.

Mr. *Vansittart* declared, that he knew nothing of the particular hardships that were complained of in the present case—But he had no doubt that when the whole matter came to be fairly investigated, the Irish government would stand acquitted of any charge of severity or oppression.—The petition was then ordered to be laid on the table.

[Nabob of Oude.]—Mr. *Paull* rose and said, that as he had stated on Tuesday last, when he was honoured with the attention of the house, the nature of the charges against lord Wellesley, he should not on this occasion occupy its time. The titles of the papers would shew their importance, and how they bore on one of the articles of charge; in fact, they were rendered indispensable from what fell on Tuesday from the friends of lord Wellesley. He moved for the following papers: 'a copy of the minutes appointing major John Malcolm acting, and afterwards confirming him in the office of private secresary to the governor general, Marquis Wellesley, in the room of the hon. Henry Wellesley, nominated lieutenant governor of the ceded provinces;' also, 'copy of the minute appointing capt. Shaw to succeed maj. Malcolm in the situation of private secretary; with the sums drawn for salary or establishment by those officers respectively; specifying the dates of such payments;' also, 'copy of the accounts of all sums drawn for salary or establishment by the hon. Henry Wellesley whilst lieutenant governor of the ceded provinces; specifying the dates and places of payment, and the authority by which such payments were made; including the amount of sums drawn as secret service money, and other items under the head of Durbar charges;' also, 'a list of the appointments of officers, civil, military, and medical, attached to the office of lieutenant governor, whether as secretaries or assistants, or as commanding the body guard, their salaries, where payable, and the authority for such payments;' also, copy of all orders from the court of directors or secret committee, (during the marquis Wellesley's administration,) to the Bengal government, prohibiting the employment of persons not in the service of the company, excepting certain offices, about the person of the governor general:—As far as these documents can be disclosed without prejudice to the public service.

Mr. *Wellesley Pole* said, he could assure the hon. gent. that Mr. Henry Wellesley never drew one sixpence of the public money, from his departure from Calcutta to this moment, but his own ordinary allowances, and that he never disposed of a penny in secret service, nor did any of the public money pass through his hands; and as to his present appointment as governor of the Oude territory, it was merely provisional, until the pleasure of the court of directors should be known.

Mr *Paull* in answer to what fell from the hon. relation of lord Wellesley, said he would content himself with observing that when the papers were produced that hon. gent. would find himself mistaken. He hoped no unnecessary delay would take place in the production of the papers; he wished members to be in possession of them before the parliament separated, that hon. gentlemen might make up their minds before their next meeting. He trusted and hoped that some person of greater talent than he pretended to, would be found to take up this important business, and do it justice; but should that not be the case, he pledged himself, however inadequately he felt for such an undertaking, to bring it again before parliament, early in the next session.—The papers moved for by Mr. Paull were ordered to be laid before the house.

Lord *Castlereagh* moved, that there might be laid before the house a copy of a letter written from the secret committee of the court of directors of the East India company to the Bengal government, dated 19th November 1803, upon the subject of the treaty with the Vizier of Oude, dated 10th November 1801.—Ordered.

[Affairs of India.] — Mr. *Francis* called the attention of the house to the state of the communication between the different presidencies in India and the court of directors, or their secret committee, which is the only lawful medium for official communications between England and the company's settlements in India. As far as he knew at present, we had not any communication in existence. He understood, indeed, that there was not to be any budget this year; and according to lord Castlereagh, it was possible that the dispatches might have been intercepted by the French. It was also possible that they were not ever sent, because they might terrify those who were most deeply interested, and who now were unacquainted with the state of our affairs in the east. He asked if it was right that information should be withheld from parliament and the public, which was in the possession of the french? we were now in June 1805, and yet we had not any statement of receipts or disbursements from India later than March 1803. One reason most probably was, that the debt in India was nearly doubled, by means of the system of aggrandisement upon which they seemed to act. However, it had been stated by the directors, that, notwithstanding the additional imposts which have been laid on their articles of merchandise, the trade of the company during the last war had flourished beyond example. But with such a flourishing trade on one side, and the vastly increased territorial revenue of from 10 to 15 millions on the other, they have not been able to make so inconsiderable a compensation to the public for the renewal of their charter for twenty years as half a million per annum. This general outline of the appearance of their finances may in some measure account for the want of present information, in the hope that something more favourable may happen which would change the aspect of their affairs. Such a line of conduct, however, in his opinion, ought not to be sanctioned by parliament, and he thought he should do his duty as an independant member of that house by endeavouring to obtain for the house and the public such information as appeared to him to be at present most immediately wanting. He therefore moved 'that there be laid before the house an account of the dates of the latest dispatches received from the government of Bengal, in the political or general department; and also an account of the dates of the latest dispatches reveived from the several presidencies in India, in the revenue department, and inclosing the annual accounts of the receipts and disbursements of the said presidencies respectively.'

Lord *Castlereagh* said the hon. member must be aware that it it was impossible that the expences of the one war (that with Holkar) to which he alluded, could have nearly doubled the debt of the company. The cause of the want of intelligence from India he could not positively explain; but as far as reasonable conjecture could lead him, he had stated on a former night, namely, the probability of those dispatches being on board the packet which had been taken in the gulf of Persia; this idea was strengthened by other dispatches from marquis Wellesley, making a reference to former dispatches which are known not to have been received. But the hon. gentlemen had entered more minutely into the discussion of the state of the company's affairs than he should think it necessary at present to follow or to answer. But he must observe that the company were not bound by the act of 1793 to pay, unless net proceeds of their revenue, &c. should be something beyond the extent of half a million. And making allowance for the expence of near a million annually, which every European war brought on them, it was to him rather a matter of surprise that so much had been already paid to the public by the hon. company. As the noble lord did not state any objection to the production of the papers moved for, the motion was immediately agreed to.

[Smuggling Prevention Bill.]—The order of the day being read for resuming the debate on the smuggling prevention bill, so far as concerned the islands of Guernsey and Jersey,

The *Chancellor of the Exchequer* proposed an amendment, which he hoped would do away the principal objection offered to the bill last night, by recognizing the internal jurisdiction of those islands, and clearly enacting, that crimes against this bill, committed within that jurisdiction, should be tried there; referring, however, any decision with respect to seizures of contraband goods, to the tribunal in England, where all such questions must be referred, namely, the court of exchequer. Still, however, he apprehended there were many precedents to uphold the right of trying persons in England for crimes committed in those countries. But without at all pressing that right now, he wished to consult the feelings of the inhabitants of both islands, and to urge nothing unnecessarily; but as to the right of legislation for those islands, the precedents he named last night placed the question beyond all doubt. The right hon, gent. concluded by moving his clause.

Mr. *Grey* said, that counsel had been heard at considerable length against this bill, and that they had produced a number of charters, by which the island of Guernsey was allowed to legislate for itself; he therefore thought it necessary that matters should be examined into, before the bill would become a law. He allowed that it could not be disputed, that smuggling was a very great evil; but then it was carried on from many other parts besides Guernsey and Jersey, so that, even though this bill was passed, the smuggling trade would be as extensive as it was before, and these people would be dissatisfied and discontented, conceiving that their rights had been encroached upon.

Mr. *Sturges Bourne* was confident, that when hon. members talked of a trivial or partial evil, they could not be aware of the enormous extent to which the revenues of this country were injured by the smuggling trade from those islands. He was almost afraid to state it with any hope of credibility. It was a loss to be stated rather in millions than in thousands; estimating it at the duties payable on foreign spirits, it was at least from five to six millions; and at the rate paid on British spirits, from three to four millions annually. Surely, then, this was an object of importance, as well with respect to revenue, as to the protection of the fair trader.

Mr. *Windham* said, that from the arguments of counsel, it certainly was a doubtful question, whether this country had a right to legislate for Guernsey and Jersey, or not; he therefore thought it was most important, that an investigation should take place. There were also many reasons could be urged, which placed the bill in a very questionable point of view: one of which was, that it was to last only during the war. He hoped, therefore, for these reasons, that the measure would be well considered.

Dr. *Laurence* expressed his apprehensions of the mischiefs to which this country would be exposed under the operations of this act, in the latitude it gave to our commanders to visit all vessels found cruizing out at sea, within two leagues of those islands, and seizing such as they should think fit to denominate hovering smugglers. Was it not obvious that, in time of peace, numberless vessels, under neutral colours, would, in the course of their voyages to other ports, pass inadvertently within the limited distance of those islands? Might they not be driven there inevitably by stress of weather? And would it be reasonable that every ship in such circumstances, freighted in a manner not conformable to this act, with which they had nothing to do, should be seized as a lawful prize, and carried to the next port, and their owners involved in tedious law-suits, loss, inconvenience, and vexation? Would it not amount to a declaration of war upon all nations whose vessels might thus fall within the grasp of our cruizers for an extent of three hundred leagues of coast? If for no other reason, then, than the risk to which it would expose this country in quarrels with other nations, he should deprecate the bill as it now stood.

The *Attorney General* answered, that the designation of ships so seizable was not left so loose in the bill, as to give an opportunity for such consequences as those stated by the hon. and learned gent. The principle of the bill was nothing more than that of the hovering acts, as old almost as the revenue itself: vessels having liquors on board in contraband packages, and found hovering or sailing to and fro, and not proceeding on their voyages, wind and weather permitting. But with respect to the argument of the independence of those islands upon the realm of England, upon the ground that they were annexed to the crown of England by the Norman conquest, as an inheritance of the duke of Normandy, he begged to remind gentlemen how that fact stood: Robert, duke of Normandy, quarrelled with his brother Henry the First; they went to war; Robert was conquered; and his dominions, by right of this new conquest, annexed to the British crown: so that there was an end to any claim of independence on that ground.—The clause was then brought up, read, committed, agreed to, reported, and added, by way of rider to the bill, which was read the third time, passed, and ordered to the lords.

[Case of Colonel Cochrane Johnstone.] General *Fitzpatrick*.—I rise, sir, to mention a subject on which it is my intention hereafter to submit a motion to the house; and I wish to take the present opportunity of doing so, because it relates to that military administration which is to form part of the business of this day's discussion. The present advanced state of the sessions will prevent my being able to bring forward any motion, though I wish it much. It is, however, a subject of such extreme importance, that it is necessary for me to take some notice of it. The house may be assured I shall state it in form on a future occasion, and as early as possible. The subject consists of a very gross and alarming evil; one which, I apprehend, has but lately crept into the administration of the military law of this country. I trust, the practice to which I allude is an innovation of not many years standing. I am informed it is. It respects the execution of the duties of the office of judge advocate general of the army. I find, that under the present practice there is in the office of judge advocate the assumption of a power which I conceive is not consistent with that office, and not warranted by the laws and constitution of this country. Every gentleman who hears me knows how great the extent of the royal prerogative is with respect to the military government. Every one knows the power of his majesty to dismiss, without a court martial, any person who bears a commission in the army. I should be the last man to call in questson the royal prerogative, but I am sure no man will contradict me when I say, that a prerogative of such extent ought to be exercised under the advice of responsible ministers. The law of this country enables his majesty to appoint courts martial for military offences. The law places in his majesty the right of confirming or remitting their sentences, but I do not believe that the law or the constitution of this country could ever intend that the officer of the crown, in the exercise of such a prerogative, should be the judge advocate of the army. I believe he is at present the sole adviser of the crown; I believe that this practice has prevailed only during a part of the time the right hon. baronet has been in possession of it. Formerly the transmission of sentences of courts martial was through the office of the secretary at war. The secretary at war of course became responsible for the advice he gave. With respect to his decision, I am not sure that I think that was sufficiently solemn for a decision on so important a point. I cannot conceive why the lives, fortunes, and characters of his majesty's military officers should not be entitled to as solemn a consideration as those of every other subject in the country. Every one knows that those important concerns, as they affect other classes of his majesty's subjects, are decided by his majesty in council. I think the same solemnity ought to be observed with regard to the sentences of courts martial; but that will be a question for future consideration. That this practice does prevail, and has been attended with great hardship to individuals, I shall be enabled to shew in a case that has lately occurred, and has spread the greatest alarm throughout the whole army: I allude to the case of Colonel Cochrane Johnstone, a gentleman who, after a trial by a court-martial, and an honourable acquittal, has, at the instance of the judge advocate, been exposed to the penalties and punishment attendant upon guilt. This is what I shall submit to parliament. I am aware that an appeal from the sentence of any court-martial to this house is a delicate question; but in the present case the appeal is in favour of the court-martial, and seeks redress against the effects of undue influence. I beg pardon for dwelling so long on the subject. I have risen to give this notice, and I shall bring forward the motion early next sessions. It will consist of two branches; one will be a complaint against the exercise of the office; the other will refer to the means of defining the power of the officer, and will suggest some provisions as to the manner of his conducting himself in future.

STATE OF THE ARMY.

Colonel *Craufurd* rose to make his promised motion, and spoke as follows:—Sir, Before I enter upon the discussion of the topics connected with the motion of which I have given notice, it is perhaps natural for me to say a few words respecting the time at which it is introduced: and certainly, sir, I do feel that I should have great reason to apologize to the house, if I was conscious that any neglect or remissness on my part had been the cause of postponing to so late a period of the session, the discussion of a subject, which, in my opinion, is, beyond all others, the most important that it is possible for parliament to deliberate upon. But, sir, I am not conscious, and I hope the house will acquit me of any such culpable neglect. My absence from parliament in the earlier part of the session was occasioned by a circumstance which, if I was to explain it, the house I trust would have the good nature to admit as a sufficient excuse. After my return, I lost no time in giving notice of this motion, and in calling for the papers that appeared necessary to the investigation of the subject. The production of these papers has been attended with delays far beyond what I had any reason to expect. Some of them, which were not printed till Monday, were then found to be incorrect; and other necessary documents were not laid on the table till the day before yesterday. Without, therefore, imputing blame to others, I have a right to assert that none can be attributed to me. But although I am conscious that the very long delays and frequent postponements of this motion have not been occasioned by any fault or neglect of mine, I do not the less sincerely lament them: for even if my first object, namely, a committee of the whole house to examine into the state of our military establishments, should now be attained, it could hardly be expected that, without protracting the session far beyond its expected duration, it should immediately produce the whole of those beneficial consequences which might have been expected from it at an earlier period of the year. *Many* important reforms and improvements might, however, be introduced into our military system even during the present year, without any materially inconvenient protraction of the session; although to remove *all* the defects which I think I see in it, and to introduce *all* the improvements which appear to me to be necessary, would certainly be a work of considerable time, and one that would require all the collective wisdom of the house. The house indeed has lately been told, though I own it was rather in a sneering manner, by a right hon. gent. on the opposite side, that from me they might expect this day to have detailed to them a military system so complete, and so perfect in all its parts, that this great question, which has so long engaged their most anxious attention and solicitude, would now be set at rest for ever, and that from henceforward it would never again become necessary for them to take it into consideration. But the house, I imagine, does not expect quite so much; and I certainly am not, and never have been actuated by any such presumptuous, self-sufficient estimate of my own abilities; never less than on the present occasion. Whatever diffidence I may have felt when a sense of duty has induced me to take a part in former debates, I to-day feel a more than ordinary distrust of my ability to acquit myself, with any degree of credit, of the task which I have undertaken. I wish, however, not to be misunderstood as to the causes of this diffidence; and I beg to assure the gentlemen opposite to me, that no part of it arises from any idea of its being difficult to point out the defects of our present military system, and the glaring absurdities of that part of it in particular, of which his majesty's present chancellor of the exchequer is the author. The latter would indeed be a degree of modesty far beyond any to which, in repelling the charge of presumption, I shall pretend to lay claim. But I do feel the greatest possible diffidence, when I consider that the subject which I am about to discuss, has at no very great distance of time been twice brought forward, nearly in a similar manner, by two of the most distinguished members of this house;—at the close of the last session by an hon. gentleman (Mr. Fox) whose talents and abilities may be considered as the brightest ornament of his country, and in the present session by my right hon. friend (Mr. Windham) whose great and cultivated genius, amidst the multifarious objects which it embraces, has in a very peculiar degree, been directed to the investigation of our military system, and of whom I can say with sincerity, that of all those who have spoken, written, or with whom I have conversed upon the subject, he is the man whose ideas are, in my opinion, the most just, the most accurate, and the most profound. To follow such men as these, even at this distance of time, I feel indeed, a great disadvantage to myself personally; but there is another of a more serious nature under which I now labour, and which I sincerely deplore, being a disadvantage not affecting me only, but the cause in which I am engaged. What I mean is, that the war having now gone on so long without our having yet experienced any of those disasters which have been foretold as the probable and natural consequence of our defective military system, mens' minds have become tired of contemplating the nature and tendency of a contest hitherto so barren of events, and the public is less alive than I could wish to see it, to the real situation of the country, and to the dangers with which we are menaced;—dangers, which have rapidly encreased under the right hon. gent. and his colleagues, and the reality of which, will, I fear, be too fully proved by experience, if we do not speedily adopt some more effectual means of averting them.—But, sir, if on the one hand I come to this discussion under considerable disadvantages, on the other hand I have reason to congratulate myself on the singular good fortune, that in proving that which I am most deeply impressed with, namely, the defectiveness and inefficacy of the right hon. gent. (Mr. Pitt's) military administration, I shall at the same time prove to the house that my motion is entitled to *his* support: and I confess, sir, that what I am mainly anxious to establish is, that the right hon. gent. consistently with the principles on which he acted 12 months ago, is absolutely bound to assent to this motion; for if I can establish that point, the reasonableness of my proposition will then stand upon grounds far stronger than any arguments that I can adduce, namely, upon the united authorities of those two distinguished members on this side, who formerly made similar motions, and of the right hon. gent. who has so great an influence on the other side of the house. My anxious desire to succeed in my present motion, will therefore induce me to go into some details (I hope not very tedious ones) in order to shew that the present state of the army, as compared with the situation of the country, and the circumstances of the war, renders the interference of the wisdom of parliament, for the purpose of improving our military system, far more necessary now, than it was at the time when that rt. hon. gent. (Mr. Pitt) so strenuously supported the motion of the hon. gent. below me (Mr. Fox.) In order to shew that the rt. hon. gent. is bound to give me at least an equal degree of support on the present occasion, it is necessary that I should enter into an examination of the changes that have in the mean time taken place in the general relative situation of the contending powers: And in pursuing this enquiry, it will be natural for me to make some remarks upon those parts of the right hon. gent.'s administration which are connected with, or have tended to produce these changes; beginning with that class of his measures which has had the effect of adding to the physical force and active hostility of the enemy, and then proceeding to those, if any, by which he has encreased our own means of effective or defensive war. The object and the result of this investigation will be to prove that the situation of the country is more dangerous and critical now, than it was at that time when the right hon. gent. voted and spoke in support of a motion for a committee of the whole house to enquire into the state and adequacy of our military force. In making out this case, I shall as much as possible abstain from all disputable assertions and vague conjectures of what may be the precise nature of the enemy's *designs*, chiefly confining myself to incontrovertible statements of his augmented means of giving effect to a system of general and active hostility: and from this statement it will appear that our situation is infinitely worse than it was twelve months ago, both in consequence of the very disproportionate encrease which has taken place in the forces of the contending powers, and also in consequence of the distribution and use which has been made of these forces on either side. The house will probably anticipate me in stating that the first great object to be adverted to in this comparison, is, the war with Spain. Respecting the justice of it, I shall say nothing, as that would be, in a great measure, foreign to my argument; but it is perfectly relevant, and closely connected with my present purpose, to say a few words respecting its policy or expediency, and the consequences which it has produced. For if the consequence of it has been that the enemy's strength has, within the last year, been augmented in a far greater proportion than ours, then it must naturally follow that our military force is, in a greater degree, inadequate to the general purposes of the contest in which we are engaged than it was last year; and consequently that a parliamentary enquiry into the causes of that inadequacy and the means of correcting it is more necessary now than it was then. This must be equally admitted to be the fact, even if it should be contended that the Spanish war was inevitable, though the obligation on the right hon. gent. will of course be still stronger, if it should appear that, by a different line of conduct, he might have avoided it. I am desirous of touching upon this part of the subject as cursorily as possible; yet, in talking of the effects and consequences of the Spanish war, one cannot help saying a few words respecting the extraordinary and disgraceful circumstances which immediately preceded it: the former have indeed, in no inconsiderable degree, arisen out of the latter; and, on the whole, they so naturally connect themselves in one's mind, that it is extremely difficult to argue from the one without slightly noticing the other. I will admit that the Spanish government has given us sufficient grounds for declaring war, if we thought it our interest to do so: I will admit, too, that there appeared to be a great probability that they would be forced into a rupture with us, whenever France should deem it to be, on the whole, materially advantageous to her, and should not find herself restrained by any important considerations from insisting upon it: under these circumstances it was necessary for us to prepare ourselves for the event; but, situated as we were, it was at the same time in the highest degree incumbent upon his majesty's ministers to endeavour, as long as it should be possible, without dishonour, to persevere in such a system of moderation and forbearance as should make it difficult for the enemy to find a suitable occasion for the rupture. And I really believe, that, if we had abstained from that insulting and imperious conduct, and from those outrages and disgraceful acts which were the forerunners of the declaration of war, if we had conducted ourselves with the moderation due to a brave and honourable, but unfortunate nation, the war might at least have been deferred.—The French and the Spanish governments might then have doubted, whether the Spanish nation, afflicted as it had been, and still was, by the hand of Providence, labouring as it still was under the dreadful calamities of that pestilential disease which has committed such ravages in that unfortunate country, and of scarcity amounting almost to famine, I say, sir, the government of France and of Spain might have doubted, whether under these circumstances the Spanish nation would have submitted to having the additional calamity of war wantonly forced upon them, without any aggression from us; or any possibility for their government to justify the measure as necessary for the preservation either of their interests or their honour. Thus, by pursuing a judicious and moderate conduct, we should have had good reason to hope that the period of a rupture with Spain would at least have been deferred; and his majesty's ministers, who contend (whether justly or not is immaterial to this view of the subject) that both our navy and army are in a state of progressive encrease, must surely admit, that, situated as we were, delay was advantageous. But even supposing the war could not have been either avoided or postponed; even supposing that nothing could have prevented France from making use of the ports, the arsenals, and the ships of Spain; yet there is one most powerful element of war, which, without the aid of his majesty's ministers, France could not have obtained, I mean the hearts of the people. Force might have added another nation to the list of our enemies, but it would have been an unwilling enemy, breathing more hostility against France who had driven them into the war, than against us who had done them no injury and offered them no insult: whereas now, if there remains a single spark of Castilian honour and pride in their breasts, they must burn with the desire of revenging the insults and outrages which on our part preceded the declaration of war. And, sir, I think it will scarcely be urged that this difference in the feelings of the Spanish nation, respecting the cause which has involved them in hostilities with us, I think, I say, that this difference of feeling will not be considered as a trifling or unimportant feature in the war, by those at least from whom on the occasion of our last rupture with France, we heard so much of the great advantage resulting from the experimental peace of Amiens, the advantage, namely, that from the proved impossibility of peace without dishonour, government now had the hearts of the people with them in this new war. That advantage the Spanish government now has, and for that advantage they may thank the right hon. gentleman. But is this all? no sir;—not only have we roused the active hostility of a high-minded nation, but we have forfeited the good opinion of those who were our friends.—Such are the effects of that narrow and disgraceful policy which dictated the order for the attack of the Spanish frigates. But, sir, although in speaking of the Spanish war it was impossible for me not to notice the circumstances which preceded it, and the manner in which it was commenced; yet, with the view in which I have introduced this subject, the main question undoubtedly is, whether our situation is better or worse than it was before that war was undertaken.—In order to shew the house that the right hon. gent. opposite to me (Mr. Pitt) is bound in consistency to assent to my present proposal, I am endeavouring to prove that, since the time when he so strenuously recommended a similar enquiry, the necessity for it has greatly encreased. This position I am desirous of supporting in the most plain, simple, and indisputable manner, namely, by proving that, during that period, the enemy's forces have been augmented in a far greater proportion than our own; that the latter are consequently more inadequate to the services likely to be required of them than they were when he thought the interference of parliament necessary to enquire into the state of our military establishments; and that the Spanish war in which he so precipitately engaged is one great cause of this encrease of our difficulties and dangers. The question, therefore, on which we are at issue in this part of the discussion, is, are we in a better or worse situation than we were before we went to war with Spain? His majesty's ministers say the former. They contend that the actual and effective powers of our enemy has been rather crippled and diminished than encreased by the Spanish war:—because, say they, Spain was supplying France with immense sums of money; we consider this pecuniary supply as the most efficient aid which she could give her ally in the present contest; and therefore, rather than suffer this to go on, we had better be at open war with Spain, and endeavour to intercept the supplies which enable her to pay these subsidies to France. This is their opinion, recorded in their official correspondence with our minister at Madrid. Now, sir, to decide whether the aggregate sum of the efficient powers of our enemy has been encreased or diminished by the declaration of open war between this country and Spain, we must examine two questions on the solution of which or either of them will depend that of the principal question, namely, 1st, Is there any certainty of our preventing these arrivals of treasure from America; or any so great probability of it as to amount, in point of *expediency*, to a justifiable cause of war. 2dly, Are these supplies so necessary to our enemies in the present war, that without them Spain can do nothing, and the exertions of France will be very materially lessened?—Why, sir, as to the question whether we can prevent, during war, the remittances of bullion from America to Spain, I shall not enter into a train of vague conjecture; but if I were to judge from what is passing every day, I must think that, whilst the enemy's fleets or squadrons, whether of twenty ships of the line or of two, appear to go in and out of port, to and from the West Indies, in short, very nearly where they please, there seems to be no such very great probability that the squadrons bringing home treasure should be so frequently intercepted; at least I am at a loss to know how we can calculate upon it with such a degree of confidence as to justify our grounding the policy of a war with Spain upon that probability. And as to the second question, namely, whether the intercepting this treasure, if we are fortunate enough to do so, will materially cripple the exertions of France and annihilate those of Spain, I should also say, that what has happened since our disgraceful seizure of the treasure ships by surprise does not justify any such opinion. As yet I think we have no proof that the powers of the French government to put its navy into a state of activity have been paralyzed by this pecuniary disappointment; and with respect to Spain, there certainly appears to have been a considerable degree of activity on her part, in equipping her squadrons for sea. Indeed the supposition on which his majesty's ministers have acted, that the emperor of the French, though possessing the whole resources of France, Flanders, Holland, part of Germany, and, we may almost say, the whole of Italy, should be prevented by the occasional capture of the Spanish galleons, from prosecuting the war with vigour, appears to me, I confess, to be a most egregious absurdity, and I do not think that any rational man would be convinced of its being otherwise, by any of the pamphlets or writings of those ingenious gentlemen who have amused their readers with similar predictions ever since the commencement of the war that followed the French revolution. But, unless their present predictions should prove to be better founded than the former, they must admit, that whatever exertions Spain shall make must be considered as an actual and positive encrease of the aggregate sum of the real efficient powers of the enemy against whom we have to contend. The French government, indeed, which is perhaps as well able to judge of the sufficiency and probable duration of its own pecuniary resources as even our present ministers themselves, does not appear to be regulated in its conduct by any such estimate of its means, as that which forms the only ground of policy on which his majesty's ministers have plunged us into the war with Spain. For the very circumstance, that the Spaniards are actually fitting out their navy, does, in my opinion, amount to a proof that the government of France foresees no impediment (arising from want of money) to continuing its own exertions in the naval department on as large a scale as was before intended. For they well know that, the number of ships being equal, a naval force, composed entirely of French, must be far more efficient for their purposes than a combined one of French and Spanish: and, therefore, if they had not the pecuniary means sufficient for their own marine, they would prefer receiving from Spain the money she is now expending in her arsenals, instead of the ships for the equipment of which it is expended. Spain must acquiesce in the wishes of France, and France prefers the ships to the money; which is a proof that the former are truly an augmentation of her mass of the means and elements of war.—It is therefore, I think, sufficiently manifest, that France, whilst she has acquired the accession of the whole navy of Spain, has not been deprived of any thing that was indispensably necessary to her own naval exertions on the greatest scale that she ever had in view; and I shall now shortly compare the augmentation of force which has thus taken place on the side of the enemy with that which, during the same period, has been effected in our own. It has been said, by an hon. gent. (Mr. Grey) in a former debate, that, out of about sixty sail of the line which Spain possesses, we may reckon about twenty-five of them to be in a state fit to go to sea. This statement appears to me to be moderate, and it was not by any means treated as an exaggerated one by gentlemen who took a part in that debate. I may therefore, without fear of contradiction, adopt this as the measure of the addition made to the navies of our enemies, and shall have no great difficulty in shewing that no proportionate augmentation has been effected in our own. But before I enter into these details I beg leave to state one general principle, which, if just, will further illustrate the truth of my assertion that our situation is more critical, and the necessity of a parliamentary enquiry into the present state and probable means of augmenting our military forces, greater now than it was at the time when the right hon. gent. (Mr. Pitt) so strenuously supported it.—The general principle which I allude to, and which undoubtedly ought to have had considerable weight with his majesty's ministers, is this, namely, that if, in a war like the present, any considerable increase takes place in the enemy's navy, even although accompanied by a proportionate increase of our own, the war becomes more dangerous to us than it was before. For in the general plan of operations of such a war as this is, our navy must be considered as a purely defensive weapon, whilst his is an offensive one: the object of his navy is to bring his armies into action, whilst the chief employment of ours is to attempt to intercept them in their passage from their own ports to the points of attack; and, as this species of defence is admitted to be precarious, every multiplication of the chances of such a war, that is to say, every extension of the scale on which it is carried on, is to our disadvantage. Therefore, although, if the increase of the navies of the contending powers had been proportionate, it might perhaps have been said that we were as superior to the enemy at sea, and as capable of frustrating his designs, as we were before; yet this would be true only on the supposition of its being a part of the enemy's plans, or a necessary prelude to his ulterior operations, that the fleets should come into contact with each other. If we bear in mind the nature of the war, we shall come to no such conclusion. If we consider the extreme uncertainty of naval blockades in general, we must admit, as a demonstrable truth, that, the number of ports containing squadrons ready to convey the enemy's armies on offensive expeditions being increased, the probability of the escape of some of these squadrons (even although a suitable squadron of ours be allotted to the blockade of each) must be proportionably greater; or, on the other hand, that, the number of ships in any one or more of the blockaded ports being increased, the mischief to be apprehended from it, although watched by a *proportionately* reinforced squadron, will also be greater, because, whilst the uncertainty of the blockade remains the same in either case, the consequence of the escape of the larger squadron, if it does get out, will of course be much more serious. And therefore I say, that whilst the general aspect of the war continues to be on our part purely defensive, it is demonstrated that every increase of the enemy's navy, although accompanied by a proportionate increase of ours, is nevertheless disadvantageous to us, because it affords him more numerous chances and increased means of bringing his land forces into action, and lays us open to more frequent and more powerful attacks than we were before exposed to.—But if upon general principles it be true, that every extension of the scale of the present war, although mutual and proportionate, must multiply our dangers, render our navy less adequate to our defence, and require a very great increase of our land forces also, how much more strongly must this be the case in the present instance, when the augmentation of our naval means has borne no sort of proportion to that of the enemy? I have already noticed that in a former debate it appeared to be admitted on all sides of the house to be a moderate statement, that in consequence of the Spanish war France had gained not less than 25 sail of the line: what the increase of ours has been in the same time I am enabled to state with indisputable accuracy, because my information is derived from the official returns lately presented to the house. In stating the result of these returns, I shall confine myself to large ships only; for without discussing the advantage of employing a greater number than we formerly had, of small vessels to act against the French flotilla in the narrow seas, it will of course be admitted that, as a counterpoise to the Spanish navy, nothing but a proportionate increase of large ships can be of any avail. With respect to the latter then it appears, from the above-mentioned official documents, that in the last twelve months there has been an addition of 6 to the number of line of battle ships in commission, and a decrease of five 50-gun ships; so that the actual increase in ships above the rate of frigates has been only *one*, whilst the enemy has received an accession of 25 sail of Spanish line of battle ships, exclusive of the augmentation which we may suppose to have taken place in the same period in the French and Dutch marines.—I shall now proceed to examine whether, during the right hon. gent.'s administration, our land forces have been augmented in such a degree, as to compensate for the advantage which the enemy has gained in the naval branch, and to place us in a state of security greater or even equal to that which we were in when he thought them so inadequate as to call for a parliamentary enquiry. But before I proceed to state the result of the official returns from which I shall endeavour to draw this comparison, I must observe that I am obliged to make it in a manner more favourable to the right hon. gent. than he in truth is entitled to. What I mean is, that, there being no return before us of the state of the land forces at the time of his coming into office, I am obliged to take its amount as it stood on the returns of the 1st. January, 1804, whereas the commencement of the right hon. gent.'s administration (immediately previous to which he had voted for an enquiry similar to that which I now propose) did not take place till about five months subsequent to that date; and if in the whole of the 17 months intervening between the 1st. Jan. 1804, and the 1st. June, 1805, there appears to have been an increase of force, it is to be presumed that a part of it was effected during the five months preceding his return to office. But not having it in my power to ascertain with precision the real difference between the amount of the various descriptions of land force as they stand now and as they did stand when he thought them so inadequate, I shall deal handsomely by him, and give him credit for more than he is entitled to, namely, for the whole of the difference that appears between the oldest and the most recent of the returns upon the table, between that of the 1st of Jan. 1804, and that of the 1st of June, 1805.—In drawing the comparison of the actual state and relative adequacy of our land forces at these two periods, I shall review the subject under the two great divisions of forces at *home* and *abroad*; and the result of this inquiry will I think amount to an absolute demonstation, that in every respect, and in every quarter of the globe, we are weaker and more exposed to danger now, than we were when the present chancellor of the exchequer came into office. In the first place, let us consider our situation abroad. From the returns that have been presented to us it appears, that the number of troops on foreign stations on the 1st of Jan. 1804, amounted to 46,698, and on the 1st of June, 1805, to 65,358. I must however beg the house to recollect that yesterday evening I discovered upon enquiry, that in the latter number are included 2,000 recruits, belonging to regiments on foreign stations, who are now in the army depôt, in the Isle of Wight, and that this description of men was not included in the return of the 1st of Jan. 1804; so that the real amount of forces now abroad is 63,358, and the increase since Jan. 1804, is 16,660.—It must however be remarked that in this number of 16,660, is included an increase of 1,792 Ceylon native troops. How far these people may be useful for the internal police of the island I know not, but it would be perfectly absurd and ridiculous to consider them as a really *efficient military* reinforcement; and therefore, if we wish to investigate the truth and to draw a fair comparison of our situation at the above-mentioned periods, it is necessary to deduct these miserable Ceylonese from the difference of gross numbers that appears on the returns of the army, which would reduce the increase of force abroad to 14,868.—I shall hereafter make some further remarks on the composition and distribution of this reinforcement, but will first examine what is the amount of troops that the enemy has sent abroad during the same period, as far as we are enabled to estimate it with any degree of probable accuracy.—In the first place, we know that the first squadron which sailed from Rochefort to the West-Indies, consisted of 6 sail of the line, and some frigates, and we may, without any exaggeration, compute the land forces embarked in this squadron at 3000 men. At the same rate we may reckon that the combined Toulon and Cadiz fleet, of 18 sail of the line, and 5 frigates, carried out 8 or 9000 men; and that the second Rochefort squadron, of 3 sail of the line, besides frigates, had 1500 men on board. Thus it appears, that, exclusive of what may have gone out in single ships, and small detachments that may have escaped without notice, the enemy has within the last six months probably detached about 13,000 men to foreign stations; whilst the increase of our forces abroad since the 1st of Jan. 1804, after deducting the trash of Ceylonese native troops, amounts to 14,868. But, will any man pretend to say, that our foreign settlements are as secure as they were last year? Is there any man in this house or in the country who thinks so? I believe not; but if there was one, who, considering merely the apparent numerical addition to ours and the enemy's troops serving abroad generally, should be inclined to infer from thence that the danger to our foreign possessions has not increased, I should think that a very little inquiry into the details, a very little attention to the nature and distribution of the respective reinforcements would suffice to prevent his coming to so erroneous a conclusion. Of the nature and distribution of ours I can speak with certainty: what has become of the greater part of those which the enemy has detached, God only knows; his majesty's ministers I believe are as ignorant upon that subject as myself; but I am sure that I am not singular in presuming that, when they do turn up, they will be found to have been disposed of in a manner which affords them a chance of acting with effect against possessions of great importance; whilst a very considerable proportion of ours (of our reinforcements I mean) are of such a sort or so distributed as to afford no hope of their being found within reach of counteracting the designs of the enemy. One part of them consists of troops locked up for mere defensive purposes, in places which, but for the Spanish war, would not have been exposed to attack, and which, therefore, are certainly not more secure now than they were before; so that the troops sent to them cannot be said to have added any thing to that degree of strength (whatever it was) that we enjoyed last year. Another part consists of an augmentation of local troops in remote settlements, which certainly are not at present in the contemplation of the enemy; and a third part, of troops sent on an expedition, by which they are placed in a situation where there appears little chance of their effecting any important offensive operation, and where they are certainly lost as to any purpose of preventing the blow which the enemy may be supposed to have in contemplation; for, although we know not where that blow *will* be aimed, yet we are very sure it will *not* be in the Mediterranean.—Of the first description, is an addition of 1,639 men to the garrison of Gibraltar; for, will any man pretend to say, that, with this addition, that fortress is more secure, or as much so now, as it was before the Spanish war? certainly not. Gibraltar, with a garrison of 3,500, whilst we were at peace with Spain, was as secure as it is with 5000, now that we are at war with that power; that is to say, it was as secure last year as it is at present; and the 1,639 men lately sent thither must therefore be put out of the account, in comparing the different degrees of danger or security of our foreign possessions at those two periods.—The second description of troops which should be deducted from the gross amount of the encrease of forces abroad, consists of an addition of about 1,300 men to the fencible and local corps in Nova Scotia, the Bermudas, New Brunswick, and other settlements which are not at all in the view of the enemy: and these two numbers, of 1,639 and 1,300, being deducted from 14,868, reduces to 11,900 the amount of those reinforcements, which can be considered as influencing the real strength and security of our foreign possessions, or as being applicable to counteract the enemy's projects against them.—There is still, however, a third class of these reinforcements, which, as I have before mentioned, are placed in a situation where, in my opinion, they, for the present at least, will have no influence on the operations of the war, either offensively or defensively: I mean the expedition under sir James Craig. This I probably do not overrate, in stating it at between four and five thousand men; a more injudicious, or a more unfortunate disposition of which force could not possibly have been made under the present circumstances. It was not wanted for defensive purposes in that quarter; it is too small for offensive ones of any importance; and if, as I have heard it conjectured, the taking of Minorca with a view to facilitating the blockade of Toulon was the object, to carry that intention into effect now, would, with a view to the present state of the war, be rather out of season; it would be shutting the stable door after the horse was out. What other offensive operation of any importance such a force as this can undertake there, I cannot guess: what purposes of defence they can be applied to, which can make the posts which we occupy in the Mediterranean more secure than they were last year, I know not: and that they are totally out of the way of coming to the aid of those other foreign possessions that are menaced by the powerful armaments which have lately been sent abroad by the enemy, every one must admit. Therefore, in drawing this sort of general comparison between the different degrees of danger or security of our foreign possessions at the present moment, and at the period immediately preceding the right hon. gent.'s return to office, (when he voted for a motion similar to mine) it is fair to deduct these 4,500 men, employed under Sir James Craig, from the amount of those reinforcements that are to be brought into account against the detachments made by the enemy; which would reduce the former to something less than 7,500, whilst the latter, as I have before stated, may, on a moderate computation, be reckoned at 13,000.—But this is not all:—It is not merely in this point of view that we are to consider the increase of danger abroad. It is not merely that we have only an increase of 7,500 to set off against the enemy's increase of 13,000; but the question again occurs, where are ours, and where are his? —Ours are scattered throughout the vast extent of our East and West India possessions, whilst his are for the most part united, and, if gone to the West Indies, will not find the most valuable of our islands capable of resisting the attack of so large a force.—Under all these circumstances and considering the subject in every point of view, we must conclude that our affairs *abroad* are in a much worse state than they were last year, when the right hon. gent. thought the situation of the country such as to make it necessary for parliament to enquire into the means of rendering our military force more adequate to the exigencies of the war.—But, if the danger has encreased *abroad*, let it not be supposed that it is diminished at *home*. From every circumstance of our situation, and all that has passed within these last twelve months, I am warranted in asserting the contrary: and even independant of every other consideration, it is evident that the attempt to avert or to repair the mischief with which we are menaced *out* of Europe, must in its immediate consequences tend to a diminution of our security at *home*, unless accompanied by some effectual measures for adding to the general mass of our military strength. Every operation of this sort must necessarily have that effect; and, as government has not proposed any means for procuring to the army such a permanent supply as shall enable it to bear these drafts, we shall shortly find ourselves with a greatly diminished force at home, whilst that species of danger against which this force was to protect us, I mean the danger of the invasion of England or Ireland will consequently have encreased.—And here I cannot avoid saying a few words upon the question of invasion generally. I was one of those who at the commencement of the war thought it very probable: I had strong opinions upon the subject; I took frequent opportunities of expressing them in this house; and I feel no reason whatever to regret the part I then acted, but on the contrary I look back upon it with great satisfaction. I confess, however, that I was mistaken in my conjecture, for it could only be conjecture, of the enemy's intentions. I thought that an enemy so enterprizing, having an immense army completely ready for the field, and plenty of excellent transports in Holland, Flanders, &c. at command, would have risked the attempt before we had time to equip and to man our dismantled fleet, to recruit our disbanded army, and to manufacture the arms which our insufficient arsenals could not supply to that mass of the people who were willing to come forward in defence of the country. I thought the enemy would have attempted to decide the war by a sudden attack partaking of the nature of a surprise; and I am happy that I was mistaken.—The enemy having decided upon a different mode of proceeding, it then became evident that considerable length of time would be necessary for him to make his preparations for this more systematic and more regular species of attack.—These preparations have at different and no very remote periods been described in the strongest possible terms, by the right hon. gentleman now at the head of administration, as being immense in their extent, most formidable in their nature, and so advanced in their progress to maturity as to require the most unremitting vigilance and the utmost degree of exertion on our part. In his majesty's speech too at the opening of the present session, which we of course consider as proceeding from that right hon. gentleman, we were told, and from what is daily passing we are convinced, that these preparations have ever since been industriously carried on; and there does not appear to be any better reason now, than there was at any former period, for supposing, that such vast and expensive equipments are intended for nothing more, than to amuse the people of France or to alarm us. I am also sure that there is no *other* reason for supposing the danger of invasion to be less than it was before he came into office; for in Europe, as well as out of it, the enemy's means of offence have encreased in a greater proportion than our means of defence. I am therefore sorry to find that the idea of invasion is now pretty generally treated with levity; and I was seriously concerned a few days ago, when I heard a noble lord (Castlereagh) who is a cabinet minister, give it as his opinion that the war had now in a great measure changed its character, and that the enemy, who for a considerable time had appeared to have lost sight of the colonies, seemed now to be directing his principal efforts towards them. If the noble lord meant, that whilst the pressure had encreased abroad it had been lightened at home, in that opinion I hope that he stands alone in the cabinet. If he only meant to say that it had now become necessary for us to have a larger force than before to protect our colonies, I perfectly agree with him; but if his meaning was, as it appeared to me to be, that we may without risk obtain those reinforcements abroad by a diminution of that force which was before deemed necessary for our defence at home, I trust and hope that he does not find any of his colleagues of the same opinion. If the force we had in Europe last year was not more than was requisite, it must now be two small: for, whilst the enemy's general means of offence have encreased, I can discover nothing in the actual state of the war which should induce us to suppose, that if he ever seriously entertained the project of invasion, he has now relinquished it. The manner in which he is now conducting his operations does not appear to me to be inconsistent with the supposition that his ultimate views are still chiefly directed to and mainly intent upon the execution of that great enterprize. The expeditions which he is sending out to the attack of our colonies may be considered, not only in the light of independent operations highly important in themselves, but also perhaps as powerful diversions in favour of an intended attack upon great Britain and Ireland, to which they not improbably may be the prelude. I say, sir, that if these expeditions are conducted with tolerable skill and vigour, they afford the enemy a double chance of success, either of which is sufficient to justify the enterprize; first, the chance of striking a blow abroad that will do us great, perhaps irreparable mischief, and secondly, combined with this, the further chance of drawing to a great distance from home a considerable part of our naval forces and of our regular army. The former, supposing them even to have taken the right direction in pursuit of his expedition, may not be recalled in time to assist in frustrating his ulterior designs; and the latter, on our present system, we have little hopes of replacing but in a great length of time. Whilst we were indulging, as the noble lord seemed to do, in the idea that the project of invasion was given up, might it not happen that the enemy, after drawing a great part of our naval force in an uncertain pursuit of his expeditions, after establishing a dangerous war in our colonies, after landing for instance (as he probably may do long before our squadrons reach the West indies) 10 or 12,000 men in Jamaica, where we have only between 3 and 4,000 troops to oppose him,—might it not happen, I say, that his fleet, quitting those seas as soon as the troops and stores were landed, should disappear before ours arrived there? and, whilst our admiral remained for a time uncertain of their subsequent rout, and in that uncertainty unwilling to quit the theatre of so important a contest, and to abandon Jamaica to its fate, is it not probable, nay *in such a case*, is it not almost certain, that the enemy would arrive again in the European seas long before our squadron that had gone in pursuit of him, perhaps even before it had quitted the West Indies, involved, as I suppose them in an arduous state of warfare? After what we have seen, can we say that all this is an exagerated supposition? why should they not effect their landing in Jamaica before the arrival of a fleet that left Europe nearly five weeks after them? why should not a large fleet get back to a port in Europe as well as the Rochefort squadron? but if the former of these events takes place, namely, the landing of 10,000 men in Jamaica, the enemy will have succeeded, either in capturing that island, or at least in establishing in it a war, of which the ultimate issue will at best be precarious, but of which the enevitable consequences would be infinite mischief to the island, the suspension (perhaps for many years after the enemy's expulsion from it) of the greater part of the advantages which we derive from that important colony, and a fatal drain of men from our regular army now at home: and therefore the probality of this first success as an independant operation is, under the present circumstances, in itself quite sufficient to account for his having determined on this active employment of a part of his force, whilst in the mean time the equipment of the Spanish navy, the augmentation of the French, and the other preparations for the invasion of Great Britain and Ireland are uninterruptedly carried on; and if, combined with this first success, namely, the landing of such a force in Jamaica, the second supposition, namely, the safe return of these fleets, like the former, to Europe, should also be realised, it will then be found that, besides the advantage of having established a destructive war in the West Indies, which would probably terminate in the destruction for many years of the colony more important to our commercial greatness perhaps than any that we possess, he would also have brought about, in our relative situations at home, a change highly advantageous to his further designs; our force in Europe being greatly weakened, whilst his remained undiminished, for the detaching 10 or even 20,000 men to the colonies cannot be considered as any diminution of the military force of the French in Europe, since their government has the power of replacing them and augmenting its army at pleasure. But this is not all; I will go further, and however extravagant the idea which I am going to state may appear to some, I am not afraid of stating it as one deserving of the serious attention of government: what I mean is, that if we were for an instant thrown off our guard at home in consequence of these distant attacks, the enemy's fleets, after landing as I have supposed their troops in Jamaica, or other valuable foreign possessions, might unexpectedly make their appearance in such a situation as to gain a *temporary* superiority in the narrow seas, take possession of the anchorage of the downs, and bring over that immense army, which if in possession of that anchorage for a few days only, they would have ample means of transporting across the channel. A right hon. gent (the secretary at war) smiles I perceive, and probably considers this idea as very absurd. He may sneer at it if he pleases, but I hope that those near him who are in the cabinet, do not treat it with quite so much contempt. If the idea in itself is an absurdity, it is not altogether one of my own invention; for I happen to know from perfectly good authority that a similar project was entertained in the American war, and was actually proposed, as one that he was desirous of acting upon, by a French officer of reputation, then in a high responsible situation, I mean the marquis de Bouillé. I have good reason to state possitively, that previous to admiral Rodney's falling in with count de Grasse's fleet, the marquis de Bouillé proposed to the admiral to depart suddenly from the West Indies, to return straight to Europe, and to enter the channel (which they would then have commanded for a time, as they did at another period of the war) for the purpose of bringing over to England the army which was assembled on the coast of Normandy. This project, I am fully persuaded, was seriously entertained; and if it was then thought practicable by an officer of repute, as M. de Bouillé was, why should a similar idea be treated as too extravagant for serious consideration, now that the enemy possesses means, such as France never before possessed, of taking advantage of a temporary superiority in the narrow seas?—for again I say, let it be recollected that the anchorage of the Downs and the Streights being for a *very few* days only in possession of the enemy, would suffice to enable their flotillas to effect the disembarkation of an immense army on our coasts. But in whatever degree this idea may or may not be thought deserving attention, yet I think that the general reasoning must be admitted to be just, by which I have attempted to shew that the operations that are now going on abroad are by no means inconsistent with a perseverance in the ulterior designs of invasion which the enemy has hitherto been supposed to entertain, and that distant operations of this sort and magnitude, exclusive of the mischief which may immediately result from them to our colonies, commerce, and finances, may be considered as having a direct tendency to facilitate that ultimate enterprize, by the certainty of greatly weakening the regular part of our home defensive army, and by the probable chance of leading our fleets astray. At all events, I shall presently prove beyond all possibility of dispute, that since the present chancellor of the exchequer came into office, the enemy's means of attacking us *in* Europe, as well as *out* of it, have been added to in a much greater proportion than our means of defence. For, setting aside the idea of the sudden return of the squadrons which they have since sent to the West Indies, yet the accession of that part of the Spanish navy now in Europe which is capable of going to sea, is more than equal to double the number of French ships now abroad; so that (exclusive of the addition that may have been made to the French and Dutch fleets and flotillas in another year of preparation) the combined fleets at this moment fit for sea in Europe, are actually 14 or 15 sail of the line more numerous than they were last year; whilst we, to supply the place of the large squadrons that we have since that time detached to the West Indies, &c. have only added *one* to the number of ships in commission above the rate of frigates.—Let us now enquire whether the exertions that have been made to strengthen our land forces at home, have been such as to counterbalance this disadvantage. In comparing the official returns which have been presented to the house at different periods, I find, that on the 1st of January, 1804, the gross amount of cavalry and infantry of all descriptions, including militia, was 220,418, of which 46,698 were abroad; on the 1st of June, 1805, the gross amount of cavalry, infantry, and militia of all descriptions, was 232,642, of which 63,358 were abroad: so that the numbers at home in the first period were 173,720, and in the second period 162,284, being a diminution in the latter of 4,436, and thus whilst, as I have before proved, the enemy's means of attacking us in Europe have received a most powerful augmentation, ours, instead of encreasing, have actually diminished.—From all that I have said, it is, I think, abundantly clear, that whether with a view to our situation at home or abroad, whatever reason there was for a parliamentary enquiry last year, when the right hon. gent. so strenuously supported it, that reason now exists in a still stronger degree; and I am therefore entitled to his assent to the resolutions, which I shall presently propose.—The first of these resolutions is 'That it 'is highly expedient that the regular army 'should be kept up as nearly as possible com'plete to the establishment which has been 'provided for by parliament.' This is a proposition which, in whatever light it be considered, seems to admit of no possibility of dispute. If it be considered as expressive of an opinion that the number of men voted in the army estimates of the present year was not greater than the exigencies of the war and the present state of Europe, render it expedient for us to keep on foot, in support of my proposition as relating to that specific amount of force, I have the authority of ministers and of parliament; for upon what grounds did the former propose, or the latter adopt, estimates for such an establishment, unless it was thought both expedient and practicable to keep it up. The amount of the sums voted and provided for by parliament for army services, is nearly 2,000,000l. sterling greater than it need have been, if there had been no necessity or intention of encreasing our effective force beyond its present amount. A great part of this sum, I mean that which was allotted for the daily pay of private soldiers who are not effective, will of course be accounted for; and therefore, although it must be admitted, that to allot to any branch of the public service so much larger a sum than is requisite, must be liable to many objections; yet I allow, that in this respect, namely, in what relates to the *daily pay* of the private soldiers, there is no actual loss to the public. In other respects however, there is a very considerable loss: for it must be observed, that the full establishment of officers and non-commissioned officers is always paid as complete, although the number of privates be (as at present) miserably deficient; and the number and consequent expence of the former is therefore much greater in proportion to that of the latter, than it ought to be, and would be if the establishment and the effective strength of the army were not so widely different in amount. This is *one* source of unnecessary expence arising out of that difference; and another is, that although the sum voted for the *daily pay* of the privates is expended only for such as are effective, yet the sums voted for the *cloathing*, agency, &c. of each complete regiment is actually *paid* in full, without any reference whatever to the real number of men to be cloathed: So that in proportion as the effective strength of the regiment is below the establishment, the profits to the colonel, and unnecessary expence to the public is encreased. With a view to economy, therefore, it is clear, that as a general principle it is at all times desirable that the establishment provided by parliament should not greatly exceed the effective strength of the army: and with particular reference to the present time, to the actual state of this country and of Europe, and the nature of the contest in which we find ourselves engaged, it must be admitted to be in the highest degree expedient and necessary, that the effective strength of the army should be nearly equal to the numbers that were this year voted. It is therefore incumbent on his majesty's ministers to shew us the means by which they expect to make good the deficiency; or rather I should say that, seeing the enormous amount of this deficiency, and the experienced inefficacy of all the measures which his majesty's ministers have adopted for making it good, it is become the duty of parliament to investigate a subject of such importance. What the deficiency is, and what the progress made by the present administration towards the completion of the army, will appear from the statements contained in the subsequent resolutions: which statements are accurately extracted from the official returns now in possession of the members of this house. The second resolution that I have to propose therefore is, 'That from the returns lately presented to this house, it appears that on the 1st of the present month, there was a deficiency of 45,134 men in his majesty's *regular* British cavalry and infantry, and of 4,212 in the foreign corps; amounting together to 49,346 men wanting to complete the *regular* army.'—In the next resolution, which contains a statement of the progress that we are making towards the completion of the army, I have confined my view to that part of it only which consists of *British* troops; because the recruiting of the foreign corps is so uncertain, that it is impossible from an average of the last 12 or 18 months, to judge of what may happen in the ensuing. The third resolution, therefore, is, 'That, from the returns presented to this house of the effective strength of his majesty's forces on the 1st of January, 1804, and the 1st of June, 1805, it appears that, at the former period, the total amount of regular British cavalry and infantry was 122,700 men (including 1,000 recruits at the army depot who were omitted in the said returns) and at the latter period 137,345, being an increase of 14,645 men; but that this was in part occasioned by the enlistment of 8,963 men from the militia,—so that the actual increase arising from any means that can be considered as permanent, was not more than 5,682 men in 17 months, which is at the rate of about 4,000 men per annum, being something less than one-eleventh part of the present deficiency.' But if we go a little further into detail, we shall find, that of this small encrease of the army which has been effected in the last 17 months, a very small proportion only has taken place in that part of it which is of the greatest importance. The infantry constitutes the main force of every army; it is that to which every military man, in enquiring into the strength of an army, first directs his attention; it is that which is necessary upon all occasions. But if this is the case with respect to armies in general, it is still more strongly so with respect to ours in particular, on account of the great number of our foreign possessions, in which infantry *alone* is employed. It is therefore interesting to consider this branch of our military force separately; and with that view I have drawn up the following resolutions, namely, 'That on the 1st of January, 1804, the whole infantry of the regular army, amounted to 119,523 men (including the recruits at the army depot who were omitted in the said return) and that of this number 12,900 or thereabouts consisted of foreign corps; so that the *British* infantry at that time amounted to 106,623 men.'—'That on the 1st of June, 1805, the whole infantry of the regular army amounted to 137,213, including about

"20,178 belonging to foreign corps (of whom 5,401 consisted of Ceylon Native troops.) That the whole amount of *British* infantry at that time was therefore 117,035, being 10,402 more than on the 1st of January, 1804. But, as in this increase are included 8,963 men enlisted from the militia, it appears that the whole increase of British infantry arising from any means that can be considered as permanent, has not exceeded 1,439 men in 17 months; which is at the rate of 1015 men, or about one 36th part of the present deficiency, in 12 months."—This, sir, is an accurate statement of the present situation of our army. A right hon. gent. (the secretary at war) may shake his head, as I perceive he does; but I defy him to prove the smallest inaccuracy in any part of my statement, unless indeed he shall again acknowledge that the returns which he has presented are not correct. If the returns are correct, my statements are so likewise; this can be examined into in the committee, and there I defy that hon. gent. to point out the most trifling circumstance, or a single figure in which my resolutions are not supported by the documents on the table:—at all events what I now propose are mere resolutions, which as we know from recent experience, it would be easy to rescind.—In the mean time, I will pledge myself to prove from the papers on the table, that in that part of the public force which it is most essential to keep on a high footing, the infantry I mean, the increase in 12 months has not exceeded one-36th part of the deficiency; and that even the increase consists chiefly, if not entirely, of an augmentation of the number of officers, occasioned by the formation of new battalions, of which I shall speak hereafter. So that as far as relates to the operations of any *permanent* sources of supply, it has absolutely stood still; I say *permanent*, for the recruiting from the militia, though I greatly approve, and have frequently urged the having recourse to it, is one which his majesty's ministers, unless they abandon the principles on which they carried that measure into effect, cannot consider as a permanent resource; and it is in itself no real augmentation of our military force. The number of men actually raised by all the other various modes of recruiting the regular infantry, whether for general or limited service, has barely kept pace with the casualties; and that too, let it be observed, during a period which, excepting in the East Indies, has been a period rather of a preparation for war, than of actual war. The army has enjoyed all the general advantages of a state of war for recruiting; all the benefit too, if there be any, of all the measures which the right hon. gent. (Mr. Pitt) and his colleagues have been able to devise; and, excepting in the East Indies, it has suffered none of those losses which we must look to in the continuation of the contest; and yet, taking the cavalry and infantry jointly, the excess of the recruits over the casualties, even including the great encrease of officers, has been only one-11th part of the deficiency; and the infantry, which wants near 40,000 men of its compliment, has absolutely stood still. But if this has been the case in the last 17 months, a period so barren of military events, is it not probable, nay, is it not certain, that in the progress of the war (which cannot continue to be quite so quiet) the army will progressively decline, in proportion as the exigencies of the war encrease? Must not this be the natural consequence of our continuing to place our reliance on measures, so futile as those which his majesty's ministers have hitherto had recourse to? Upon these grounds it is, sir, that after exhibiting as I have done in the former resolutions, the discouraging results of the returns upon the table, I shall proceed to propose the following resolutions, namely, "That, considering the small progress made towards compleating the army during a period, in which, excepting in the East Indies, very little loss has been sustained in consequence of military operations; and, considering the nature of the contest in which we are engaged, this house is of opinion, that it is necessary to have recourse to some more efficacious system, for the supply of the army, than that which has been hitherto pursued." And "That, as it does not appear that his majesty's ministers have any intention of proposing any new measure with a view to the furthering of the recruiting service, or to the improvement of our military system, this house do therefore resolve itself into a committee of the whole house, in order to deliberate upon these highly important subjects."—Now, sir, I am really at a loss to know upon what grounds it is that the right hon. gent. and his friends who voted with him for a similar enquiry last year, can resist it now. The plea then was, that our military force, particularly the army, was inadequate to the exigencies of the war, and that the system of the late administration afforded no prospect of augmenting it. The exigencies of the war have, since that time, increased in a very alarming degree, whilst all the right hon. gentleman's boasted plans and projects for the augmentation of the army have utterly and entirely failed.—Both the amount and distribution of the enemy's forces are much more menacing now than they were last year. Abroad, our most valuable possessions, which last year were in a state of security, are now confessedly exposed to imminent danger: at home, the enemy's means of offence have powerfully increased, whilst our means of defence, so far from keeping pace with him, have positively diminished. Last year the enemy's *naval* force, in the number of ships of the line, was to ours only as two to three; the numbers now are nearly, if not quite *equal.* Our *military* force at home, which last year was thought barely sufficient for defence against the lesser danger, is now not only *proportionably* smaller, (with reference, I mean, to the great increase of the enemy's means), but it is *actually* and *positively* diminished: it is threatened, too, with a still further reduction, by the large detachments which are now and long have been embarked at Cork, and are apparently kept in readiness to sail for the support or recovery of our colonies, where there is every appearance of the commencement of operations, which, if they should continue, would (as we know from experience) prove a dreadful drain to the flower of our army, whatever, in other respects, their ultimate issue might be. Looking, therefore, at the *present* state of our affairs as compared with the past, it is manifest that the public force is now infinitely more inadequate to the services required of it than it was when the right hon. gent. voted for the enquiry which I now propose: and as to the *future*, what possible ground is there for hoping that the state of our army will improve, or that, when the war becomes active, it will not rapidly fall off? The right hon. gent. in answer to a question which I put to him before I gave notice of my present motion, declared that he had no new measures to propose; and, judging of the probable future results of his present system by the ample trial it has already had, what can we expect from it? what, I say, has hitherto been the result of all his boasted plans for the supply of the army? Is it not proved in the manner of all others the most indisputable, namely, by a comparison of the official returns of the effective strength of the army at different dates? is it not proved, I say, that, during a period in which we have had no loss of men by military operations, excepting in the East Indies only, the infantry, which wants nearly 40,000 men of its compliment, has absolutely gained nothing? that the casualties have at least equalled the number of men raised by all the multifarious modes of recruiting,—parish officers and all? And let it be remarked, too, that a great proportion of the men that have been raised consists of new levies, which, before he came into office, had been set on foot by his predecessors.—And has he not, as his last resource, been obliged to have recourse to recruiting the army from the militia;—from that militia which we have so often heard him declare ought to be held sacred, and which, before his ardent hopes of the wonderful effects of his famous parish bill, were disappointed, he would not upon any account consent to touch? What reason, then, resulting from a comparison of our present state with that in which he last year voted for an enquiry—what reason resulting from any hope of the future that can reasonably be grounded upon the experience of the past, will any man, who did vote for that enquiry then, assign for resisting it now? I really can conceive none, excepting, indeed, one, which the right hon. gent. himself will hardly avow, and which some of his colleagues would scarcely carry their complaisance to him so far as to concur in if he did, namely, that he is prime minister now, and that he was not in that situation then. But whatever a few of his friends may feel, the majority of the house, I trust, will not carry so far their blind confidence in a minister under whose management the country has been brought into a situation, beyond all comparison worse than it was at that time, when he himself declared it to be the duty of parliament to enquire into the state of the public force, and investigate the means of improving it.—But, sir, it may perhaps be asked of me, what, if the house adopted my motion, I should have to propose to the committee to do, with a view to remedy the evils of which I complain? Sir, I do not know that it is incumbent on me to propose any thing. I have attempted to prove, that our present system is defective, inefficacious, and requires revision. If I have established that, as I think I have, then I have done enough to justify my motion, and I might, without impropriety perhaps, leave the rest to the wisdom of the house. I believe, indeed, that it is almost impossible to put a stop all at once to the various bad consequences that have resulted from the system which has for some time past been pursued; and certainly I do not pretend to effect so much. But a change is absolutely necessary; *immediate* benefits, of great magnitude and importance, would result from such improvements in our military system as I should propose to the committee to adopt at once; and the rest would follow.—I shall therefore briefly state the outlines of what I would now propose; but must previously apprise the house, that these suggestions, although in my opinion of infinite importance, are no longer new. The subject has been so often discussed; I have myself so frequently delivered my opinions upon it in the house; my right hon. friend (Mr. Windham) above all, has treated it in so masterly a manner, that little more is left for me now, than either to repeat myself, or imperfectly to recapitulate what he at various times has so forcibly urged. But the subject is one of such transcendant importance to the glory, the welfare, and the safety of the state, that I shall venture to trespass a little longer on the patience of the house.—If, then, we do go into a committee, the first thing that I would propose to it to do, would be, to undo all that the right hon. gent. (Mr. Pitt) has done; namely, to repeal at once the whole of his Parish Bill; and if I obtained from the committee no more than this, I should congratulate myself on having rendered an essential service to the country, and on having removed one of the numerous obstacles which stand in the way of our getting such an army as we might and ought to possess. "What," will it be said, "would you at once destroy that beautiful system, from which, in the eloquent description that was given of it by its author, we were taught to expect such happy results? Have you no consideration for those sixty battalions, who so tenderly sympathize with your favourite regular army?"—None at all, sir.—Nothing less than the immediate destruction of the whole fabric would satisfy me. At the time of the introduction of that bill, I urged my objections to its being passed into a law; and the sooner it is expunged from the statutes the better. For really, sir, the general principles of it are so absurd, that I cannot imagine how a man of that right hon. gentleman's abilities could ever have conceived such a scheme. He says, that before he came into office, his objection was, not so much that the gross amount of our force was insufficient, as that too small a proportion of it was disposeable. Now, what are the means by which he sets about to remedy this defect? Why by an attempt to double the amount of *in*-disposable force; for, if his plan succeeded, if the sixty battalions which he has set on foot at an enormous and altogether useless expence had been filled, we should, including militia, have 140,000 men engaged for home service only. Is it possible to conceive a more preposterous mode of setting about to obtain a *disposeable* army? Is it not evident to every man of common sense that this enormous *home* army must absorb the greater part of the men who would otherwise go into the regiments of the line? for this home army holds out to them not only all the general inducements to enlist which the regular army can offer, but also many very important and weighty advantages which are peculiar to it, and which the latter does not possess. For, if we consider for a moment what are the circumstances or dispositions which induce men to enlist as private soldiers, we shall be convinced that either temporary distress, or an inclination to an idle and vagrant life mixed with a desire of figuring in a gay and splendid military dress, are amongst the most frequent and powerful; and all these operate as much in favour of the home army as of the regiments of the line; in addition to which, the former can offer as good pay and a much higher bounty to a man for five years service at home, than the latter can give to induce him to bind himself for life to serve in all parts of the world. It is therefore evident, that great numbers of men, who would go into the regular army if they had no other opportunity of gratifying those propensities which induce them to make trial of a military life; especially if they could engage in it for a limited term of years, will now prefer those branches of the service in which all those propensities are equally gratified, in which they will at the end of five years have the option of remaining or changing their situation if they do not like it, and in which they are not exposed to be sent to those climates, the fatal effects of which are so universally known and dreaded: and thus it must be evident to every man of common sense, that the more you extend this receptacle, the home army, the more you obstruct the recruiting of the regular army, which, if it was differently constituted as to the duration of service, and had not to combat such a competition as you now raise against it, would probably be filled without difficulty.—From these considerations I am justified, first, in assuming that all the men whom you draw into the *home* army, are, in fact, diverted from the regulars; and secondly, in denying that any men are obtained, either by this or other such schemes, who might not, by a more judicious management, have been obtained for general service for a limited time. This is the main objection to all establishments of this sort generally: and as to this particular scheme of the right hon. gent. it is, from beginning to end, fraught with absurdities and defects peculiarly its own. What can be more absurd, or if not altogether nugatory, what more mischievous, than the idea of employing the parish officers as recruiting serjeants? and yet this is the grand merit of the bill; it is, to use an expression of my right hon. friend (Mr. Windham) the sole invention for which this patent was taken out. I have heard the right hon. gent. the author of this bill, describe, in general terms, the manifold advantages of this invention; but I confess I am still quite ignorant how it is to operate; and I entreat of him to condescend, for once, to lay aside that eloquence which he can so readily apply to every occasion, but which may sometimes tend rather to dazzle than instruct an ordinary understanding, in the investigation of a subject so plain as this; I would entreat of him, I say, to condescend for once to tell me, in plain simple language, how it is that these parish officers are to perform the task which he has assigned to them. Would he have them do what all other recruiters, in all countries, are obliged to do—would he have them pass whole days and nights in the alehouses, drinking with the lads whom they wish to cajole into the service? Is this the way in which he would wish the parish officers to pass their time? and yet all this is necessary to recruiting. And if they did spend their time in this way, could they succeed as well as common recruiting serjeants? A glowing description, given over the bowl, of all the pleasures, the adventures, the glories, of a campaign, coming from the mouth of a man who is supposed to have experienced them, raises the wonder of many a country lad, and excites in him an admiration of this serjeant, whom he believes to have performed his share of these heroic deeds: but, how would all this sound in the mouth of a peaceful church-warden? In short, if parish officers are to set about recruiting in the *ordinary* way, they must begin by leading as idle and as dissipated a life as recruiting serjeants do; and after all, they will but awkwardly attempt that which the other can perform with much more effect and address. And what *extraordinary* means have the former, which the latter do not possess?—As to *influence*, and the power of *persuading* men to go into the army, it is impossible they can have any. But it will perhaps be said, "no matter whether you can conceive the *means* by which they are to raise men, the fact is they do raise them." If this was really the case, still I should repeat, for the same reasons which I before assigned, that these very men might, by a more judicious management, have been procured for the regular regiments of the line: but the true state of the case is, that the parish officers have not raised any men; and those which are returned as such, have in fact been procured by enormous high bounties paid by the parishes to crimps, and other professional recruiters. In the abstract of all the men raised under that act, which, in consequence of a motion of mine, has been presented to this house, it is stated that 3,999 had been raised by the parishes: and what particularly struck me, is, that of 2,498 men stated to have been obtained in Ireland, 2,292 are said to have been procured in that manner. My curiosity being excited by this apparent activity and success of the Irish parish officers, I mentioned it to a member for one of the Irish counties, who assured me that, during the recess, he had taken a very active part in carrying the act into effect in his county, but that not a single man had been raised by the parishes in any other way than that which I have mentioned, namely, by contracting with professional recruiters; and that this was the case in all the other counties. It is therefore clear that this bill, as was predicted, has operated merely as a very partial and unjust method of raising money, and has been wholly ineffectual as a measure for obtaining any men who could not otherwise have been procured; whilst the manner in which this call upon the parishes is made, has at the same time been the cause of continuing those enormous bounties which the Army of Reserve Act had given rise to, and the abolition of which the right hon. gent. when he came into office, professed to be one of the great objects he had in view. For every man raised by the parishes under this act, they receive 14l. from government: for every man of their quota that they fail to raise, they are fined 20l.: it is therefore clearly their interest to give any bounty short of 34l. rather than suffer the fine: for if they give 33l. bounty, 14l. of which is repaid to them by government, the man costs them only 19l. whereas, if they had not procured him, they would have been fined 20l. A further bounty of ten guineas is allowed to such men as shall volunteer from the limited service to the regiments of the line; and therefore every man who comes into the latter through the medium of this parish army, may be computed to have cost the country 43l. in bounty only. Under these circumstances, it is to be presumed that men, who have determined on going into the army, will, instead of taking the direct road, have sense and patience enough just to look in upon the parish army in their way, and take its bounty along with them;

and then we are told wonders of the effects of this system of drawing men on by degrees to that, which if it had been proposed to them all at once they would have been afraid of venturing upon.—Another very serious consequence of this bill, to which I wish to draw the attention of the house, is the enormous and worse than useless expence which, exclusive of these high bounties, has been occasioned by the measures which government have adopted for the purpose of carrying this system into effect. There are at present no less than 59 batallions, all complete in officers, allotted for the reception of these men. Nineteen of these batallions it appears were originally formed for the purpose of receiving the men raised under the army of reserve act of 1803, and were afterwards allotted for the reception of the men to be raised under this permanent additional force act, as it is called. Not content with this number, which might have been deemed at least sufficient untill the experiment had been tried, the right hon. gent. in his eagerness to provide room for the hosts that were to be poured in by his recruiting parish officers, did at one stroke create 40 new batallions, at an enormous and totally useless expence to the public, and to the great detriment of the army, which could not fail to be considerably deteriorated by such an unnatural promotion of officers, and by the call that was also made on it to furnish non-commissioned officers for these new batallions. The expence of 59 batallions in pay of officers, agency, allowance made to the colonels for cloathing men who do not exist, and other regimental allowances, totally independant of the pay and cloathing of the *effective* men, amounts to upwards of 400,000l. per annum, every farthing of which would have been saved to the public if since the commencement of the war, government had gone upon the plan of not raising new regiments till the old ones were pretty nearly completed. But even admitting, which I do not, the policy of having some batallions of this sort, were not the 19 which the right hon. gent. found when he came into office sufficient?—sufficient for every useful purpose, even in this point of view, they certainly were, as appears by the returns;—quite sufficient to receive a larger number of men than has been raised under this act, in addition to what they before contained. But they were not sufficient to display in all its force the beautiful theory of the right hon. gentleman's new fangled military system; since a prominent feature of that system is, that every regiment of the line shall have its fellow batallion in this new home army; and for this sole purpose 40 new batallions were created, the expence of which in the pay of officers, agency, allowance for cloathing, &c. amounts to about 350,000l. per annum over and above what would have been required for the pay and cloathing of all the men raised under this act, if they had been put into the 19 batallions that previously existed for limited service. And as the total number of effective men raised under this act, as stated in the returns, does not exceed 4,500, they have cost about 80l. per man in *one* year, exclusive of their pay and cloathing, and of the enormous bounties.—Considering this measure, therefore, in every point of view, its expence to the public, its inefficacy as a measure for raising men, its oppressive and unjust operation as a tax, and the injurious competition raised by it against the regular recruiting, I should feel that I had done the country and the army an essential service if, in the committee which I propose, it should be resolved to repeal that act.—After I had got rid of the right hon. gentleman's parish bill, and before I proceeded to the investigation of the means of improving the constitution of the regular army itself, I should be desirous of pruning some other branches of our military system, by which it is overshadowed; and with this view I should direct the attention of the committee to the Volunteer establishment, of which the right hon. gent. is so zealous an admirer, but which I have always thought the most absurd system that was ever imagined by any government for the defence and security of a great empire. I do not mean to say that we ought to trust to our regular army only; I am very far indeed from estimating lightly the advantages to be derived from the exertions of a great proportion of the people properly and judiciously prepared to co-operate with the army for the defence of their country; I have always carried my ideas of the value of such co-operation as far as any man of some experience and observation in military affairs can reasonably do; but my opinion is, that all establishments of this sort should be made entirely subordinate to the regular army, that they should be so modelled and aranged that they could at no time and in no way interfere or come in competition with it, that their whole tendency should be to support and strengthen it. This is not the occasion to enter into any detailed explanation of the manner in which I should wish to constitute these subsidiary branches of the public force; nor am I so sanguine as to suppose that we could in the short remainder of the present session, completely digest and establish such a system as I allude to; but some of the defects of the Volunteer system are so glaring as to deserve our immediate consideration. And first, I must mention that abominable prostitution of military honours, titles, and distinctions, which have been so indiscriminately and profusely lavished upon men of all ranks and descriptions. The absurdity and mischievous tendency of it has at different times been most forcibly illustrated by my right hon. friend (Mr. Windham), and I have never missed an opportunity of expressing my disgust at it; but I cannot let it pass without again reprobating it, as it deserves to be. What indeed can be so disgusting, what so likely to lessen the respect for the military profession, and what therefore more impolitic in the present times in particular, than this mockery? Military titles were valued once as an honourable distinction in society. Old and meritorious officers, after long and hard services, were gratified and rewarded by obtaining the title of colonel. What must the disgust and mortification be now, at seeing persons who never quitted the safe and peaceful walks of civil life, assuming those titles which formerly pointed them out as men who had devoted themselves to the honourable profession of arms, and which were almost the only reward for the services they had rendered to their country? But are the titles all? No, sir, the real rank and command annexed to those titles has also been wantonly bestowed upon the officers of the volunteers; and if the country was to be invaded to-morrow, every lieutenant-colonel of his majesty's regular army would be exposed to find himself and his regiment too, placed in a situation equally humiliating to the army and dangerous to the service; that is to say, in the situation of being absolutely under the command of a colonel of volunteers. Whatever the civil occupation of the latter, and however respectable their station in civil life, and the professions in the exercise of which they employ themselves may be, they can have no right to the titles and powers of military rank; and perhaps therefore, with respect to the general principle of their unfitness for military command, this can make but little difference: yet I cannot help particularising one instance of the manner in which this rank has been bestowed, because it is so ludicrous, as to afford a happy illustration of the absurdity of the system that is acted upon. It is only with this view that I am induced to mention it; and in doing so I trust that I shall not speak of the individual in question in any way that can be considered as taking an unfair advantage of my situation as a member of parliament. Nothing can be further from my intentions: it is the *thing* and not the man I wish to hold up to ridicule. From all that I have heard, I believe him to be a worthy good sort of a man, and of an education superior to what people in his situation generally possess: and I cannot conceive that he or any decent tradesman can have so little sense as to be ashamed of the appellation that belongs to the trade which he industriously, honestly, and openly exercises in one of the most public streets of the metropolis. But would it be believed, sir, in any country in the world, or can it be heard without indignation in this, that his majesty's ministers, abusing the well-known devotion of the army to the will of its sovereign, should require of it to bear without a murmur, that an officer, who, after 20 or 30 years of military service in all parts of the world, has at length obtained the rank of a lieut. colonel, should, if called out upon actual service in Great Britain, be exposed to the degradation of being commanded by a pastry-cook—a retailer of tarts and cheesecakes? He may be a most worthy man; every body knows that he is an excellent pastry-cook; and his puffs and patties are as good as it is possible to make; but is it not too absurd for credibility, that the vender of them should be a colonel? It is impossible not to laugh when one thinks of it; but it is also impossible not to feel indignant at this degradation of the military profession. The pastry-cook may be perfectly justified in accepting the rank; but what must we think of the government that bestows it? and how is it possible that the military profession should long be respected, that military honors should be valued, or that the true military spirit should be cherished in a country, where, by the acts of the government itself, the army is thus degraded? Consider too the immediate and practical consequences that may result from it, if the country was invaded. It is no exaggeration to say that his majesty's officers, aye, his majesty's regiments too, may be commanded by this man in the day of battle, or by others, who, however superior to him in rank in *civil* life, must be equally unfit to exercise this military command over the officers of the army. If the Volunteers are mixed with the king's troops, as seems to be the intention of government (and as indeed in some way or other they must be) and the *general* officers commanding a brigade or detachment are killed or wounded, the command would in most cases devolve on a volunteer colonel; for almost all the regiments of the line are commanded by lieutenant-colonels, whilst many of the volunteer corps have full colonels at their head, who by an act of parliament are entitled to rank above all lieutenant-colonels of the army. I did, in the committee upon that bill, oppose as much as lay in my power, the adoption of the clause containing so monstrous an absurdity; but my voice did not prevail. The right hon. gentleman (Mr. Pitt) who attended so minutely to every clause and every stage of that bill, saw no objection to conferring this rank on volunteer officers; and I presume that in his opinion, the hardships which entitle them to that rank (for which we must toil so long) are undergone,—the experience which fits them to command us, is acquired by that species of volunteer service called permanent duty. The importance which the right hon. gent. seems to attach to this permanent duty, appears to me quite curious. One must suppose that in his opinion, the volunteers, by passing a fortnight in making merry and carousing in some village a few miles distant from their homes, (to the great inconvenience of the country, and neglect of their own business and useful occupations) do really acquire a very great portion of the military character and habits, and fitness for war. Nay, I remember that at the close of the last session, when the right hon. gent. was reproached for not having performed any of his mighty promises of improvement in our military force, he actually did very gravely and seriously state to the house, that the strength and security of the country had, since he came into office, been greatly encreased by the circumstance of I don't know how many thousands of the volunteers having been a whole fortnight upon this said permanent duty. For my own part I confess that I am disgusted when I see the soldiers dress, and the pomp and splendour of military parade, which formerly excited animating feelings, to which ideas of military glory associated themselves, and the *exclusive* possession of which was of no inconsiderable importance to raise in the country a certain feeling of respect for the army, and to facilitate its recruiting,—I say, sir, I cannot help feeling some degree of disgust when I see all this displayed in every street in the town, with a magnificence that quite eclipses the regular army, by men, whose only experience of the military life consists in having passed a fortnight on what is ridiculously called permanent duty.—There are many other parts of this volunteer system, which, as well as the rank of the officers, call aloud for remedy; and the house should consider, that whatever difficulty may exist in applying it now, will be encreased by delay. The longer the evils are allowed to exist, the deeper root will they take in the country, and the more difficult will it be to eradicate them. I shall not, however, dwell any longer upon this part of the subject, but shall pass to that which more immediately relates to the regular army itself: and I feel confident, that if the army was reinstated in the exclusive possession of all those advantages, honours, and distinctions that peculiarly belong to the military profession, if the defects of its own internal constitution were remedied, if the conditions which may be supposed to render men averse from entering into in were changed, and if the competition now raised against it by other branches of the public force were completely abolished and done away,—I feel confident, I say, that under these circumstances, we should not find it difficult to procure an army adequate to the exigencies of the state.—In the changes and improvements which I have to suggest in the internal constitution of the army, I can add little to what appears to have been urged by my right hon. friend (Mr. Windham) in the speech with which he introduced a motion which he made at the commencement of the session, when I was not here. I perfectly agree with him, and I have always thought that the first thing to be done, with a view to removing one of the principal obstacles to the recruiting it, would be the enlistment for a term of years instead of for life. The advantage and propriety of this change, which has been so often recommended, particularly by my right hon. friend, seemed last year to be recognized and admitted by so large a proportion of the house, that his majesty's ministers found it necessary to assure the house that they would take it into their most serious consideration. They afterwards stated that they had done so; but that they had found so many objections started by high military authorities, as to induce them to give it up.—I cannot however say, that they have treated the house wth great respect; for they have never told us who those high military authorities were, nor what were the reasons which they assigned in support of their opinion. For my own part, I do not consider this as a question upon which the house ought blindly to defer to any military authority whatsoever, because I do not consider it as a purely military question: nay, there are some points of view in which I think that the gentlemen composing this house, from the very circumstance of their *not* being military men, are fitter judges than those who have passed all their lives in the army, and who, therefore, have less opportunity of observing and becoming familiar with the feelings and prejudices of the people and peasantry of this country. The question of the policy of this change, with a view to facilitating the keeping up of the army, divides itself into two branches; first, the consideration of the proportion in which it is probable that the number of recruits would be encreased by lessening the dislike that men now have to entering into the service; and secondly, the probable loss that the army would annually sustain in consequence of the discharge of men whose term of service had expired. With respect to the latter, it happens, fortunately for the investigation of the subject, that there has long existed a considerable body of English troops, I mean the East India company's European troops, in which the soldiers have been enlisted for a term of years much shorter than any that has ever been proposed for the king's army, and in which; both from the shortness of the term, namely, 5 years, as well as from their being constantly stationed abroad, all the principal inconveniencies that seem to deter government from adopting the proposed change, must have been felt in full force. Thus we have an easy and sure means of trying this part of the subject by the test of experience; and yet it appears, that until I lately moved for a return of the number of men annually lost to the company's army in consequence of the term of service having expired, his majesty's ministers had never thought of making so obvious an enquiry: and I am therefore inclined to suspect, that they have never very seriously turned their thoughts to the investigation of the subject. These returns have not indeed been made up in the manner that I had required;—the men who returned from India *in consequence of the expiration of their term*, not being distinguished (as my motion specified) from those who were sent home in consequence of age, wounds, or other causes that rendered them unfit for active service: but I know from the experience of several years residence in that country, that very few men indeed quit India at the expiration of their first engagement; and that the annual loss of men occasioned by this mode of enlistment, is extremely trifling. It is not therefore upon this part of the subject that we are called upon blindly to defer to military authorities, since, by referring with more accuracy to the returns of the East India company's army, and also perhaps to other documents that shew the average duration of a soldier's service in his majesty's army, we may form our judgment of the probable annual loss that would result from the proposed regulation, upon that which is better than vague opinion, namely, upon past experience.—With respect to the other consideration, I mean the encreased facility of procuring recruits, I cannot conceive how there can be two opinions. It cannot, I think, be doubted, that there are many men, who, though they might be inclined to try the experiment of a military life for a few years, at the end of which they should have an opportunity of quitting it if they pleased, are however deterred from binding themselves to it for life. It is now looked upon as "the bourne from which no traveller returns;" or, if here and there a soldier does return to the place of his nativity, he comes back crippled or an invalid, worn out and covered with infirmities that render him unfit for all enjoyment of life. In how different a light would the service appear to the people of the country, how different a picture would it exhibit, if this change, that has been so frequently proposed, was to be adopted, and was accompanied by other provisions for rendering the situation of a retired soldier an enviable condition. The men who quitted the army at the expiration of their service would then in fact be more effectual recruiters than it is possible to procure by any other means. The comfortable situation of a certain number of these men dispersed throughout the country, would hold out a pleasing and encouraging prospect to those to whom they should recommend to follow their example. And, sir, if the prospect of advantage to the army from the proposed change is so great, must it not be a great satisfaction to parliament to find itself authorized in sound policy and wisdom to adopt a practice so much more consistent with humanity, and so much more congenial to the spirit of our constitution? Is it fitting that without some plea of strong necessity we should suffer that a man, because in a moment of thoughtlessness, caprice, or perhaps temporary distress, he enters into the army, should be deprived *for life* of the liberties and rights which the people of this country enjoy under that happy constitution, which we prize as so great a blessing?—and not only men who have come to the years of discretion, but lads of an age when by law they would be incapable of making any disposition of property, nay even boys of 12 or 13 years of age, are permitted to surrender *for life*, all those advantages of which as yet they cannot know the value. In every point of view, therefore, this question deserves to be seriously entertained and enquired into by this house, who I maintain are perfectly competent to form an accurate judgment upon it, in all its bearings.—Another alteration which appears to me to be very necessary, with a view to diminishing the aversion which the people now have to entering into the army, and which might, I am confident, be made without prejudice to its discipline, relates to the frequency of corporal punishments. It is, I am aware, a subject that requires being mentioned with delicacy and caution; but having been before introduced by my right hon. friend, there can be no impropriety in my noticing it, and the less, as I have little more to say than merely to state my entire concurrence in all that I understand him to have said upon that occasion. I am fully convinced that, by a judicious revision of our military law, the frequency of these sanguinary punishments might be mitigated, and commuted for others of a less revolting nature, but equally effectual and sufficient for many of those offences which now expose a man to this severe and ignominious mode of punishment. When I say this, I beg that I may not be understood as reflecting in the smallest degree upon the conduct of regimental courts martial, by whose sentence they are inflicted. It is the law and the practice that has arisen out of it, that I find fault with, and not the conduct of those by whom it is administered. The frequency of these punishments must necessarily operate in a considerable degree to deter men from subjecting themselves to martial law.—Another subject, which I should earnestly recommend to the attention of the committee, is, the situation of the officers of the army. It would well become not only the liberality and justice, but also the wisdom, of parliament, to consider of the means of providing for them in a manner more adequate to the station which, not merely their own comfort, but the respectability of the army, and consequently the good of the state, requires that they should maintain in society. The pay of a subaltern of infantry is little more than what a livery servant costs his master; and when they arrive at the rank of captain, a rank which many do not get beyond under twenty-five years hard service, and which, as it can easily be proved by the most simple calculation, the majority never get beyond at all, when they do arrive at that rank, their pay does not exceed 180 to 200l. per annum.—The king of Prussia, who, by the wisdom of his military institutions, raised his army to a state of excellence that was rivalled by no other, and by that means raised his country to a rank which it otherwise never would have held amongst the powers of Europe,—that great man, wisely considering that no state can have a good army in which it is not respected, and that, in order to render it a respected and desirable profession, it is necessary to hold out the prospect of a comfortable remuneration for their services to those who devoted themselves to it,—considering, too, that this prospect would be too distant, if confined, as it is with us, to the possession of a regiment, which few can aspire to, determined to make the situation of his captains a comfortable one, and such as to enable them to hold a respectable situation in society, that being the rank which every officer was sure of attaining in a reasonable time: and accordingly, when I was in Prussia, upwards of twenty years ago, the pay of a captain in the army was very near 300l. per annum; which, considering the cheapness of the country, and the advantage of never changing their quarters in time of peace, enabled them to enjoy a considerable proportion of the comforts of life.—The pay of the officers of our army was perhaps tolerably adequate when it was first established; but every body knows and feels the enormous increase in the price of every article of necessary expence. Upon this principle, the pay of other servants of the state has, in many instances been increased: upon this principle the minister, last sessions, proposed, and parliament readily consented to an increased allowance for the civil list: and why, then, should those, upon whose courage and zeal in the service of their country, its welfare, its security, and its greatness depends, those who pass great part of their lives in exposing themselves not only to all the hazards of war, but also to the baneful influence of unhealthy climates, for the defence of possessions from whence you derive so much of your wealth, why should they be neglected, and allowed to linger on in a state of penury, not less disadvantageous to the service, perhaps, than distressing to themselves? The pay of the *soldiers* has been increased: upon what policy did government act when they bestowed upon their wants that degree of consideration which they withhold from their officers? It is a subject, which, however ineffectual my exertions may be, I shall never cease to press upon the consideration of the house, until a suitable provision is made for them.—There are many other points to which, if we went into the committee, I might be desirous of calling its attention, but which I shall not detain the house with noticing at present;—one only excepted, upon which I cannot help taking this opportunity of expressing my opinion, it being one in which I also feel a lively interest, and respecting which I refrained from troubling the house upon a late occasion, when it was introduced with so much force and feeling by an hon. gent. (Mr. Fox,) when he made a motion for taking a more general view of the situation of that description of persons to whom I allude, I mean the Roman Catholics. The policy of admitting them *fully* into the military service, is a question which I think might very well be entertained by the house, independantly of their other claims, for the whole of which, however, to the fullest extent that they have ever urged them, I am glad of every opportunity of professing myself a warm advocate. What I now mention may, however, in the mean time, be made a subject of separate consideration; and I am convinced that the granting it would be attended with the best consequences to the state. By laying open the military career to them in the service of their own sovereign and country, you would bring into the army a set of men who have furnished many of the most distinguished officers to the armies of other powers, to which they are driven, by being excluded from our's. It may be said, indeed, that they are now allowed to serve in his majesty's army;—but how, and on what conditions, are they admitted into the service? Why, on the condition that they are never to exercise the command annexed to the rank which every officer, who is of the stuff of which good officers are made, looks forward to as the means of acquiring that reputation, the love of which is the predominant motive to great actions. A catholic may indeed attain the *rank* of a general officer; but, as the law now stands, he never can be *employed* as such. How, then, can you expect that they should prefer the service of a country who treats them in this manner, to that of other countries where the highest military rank and the actual command of armies is open to them. A very large proportion of the best officers of the Austrian army have long been furnished from Ireland; and so far were they from being deprived of their due share of those high distinguished stations to which every good officer looks forward, and, without looking forward to which he will never rise above mediocrity of merit, I say, so far were they from being deprived in that service of their due share of those honours which are denied to them in their own country, that, on the contrary, Maria Theresa's armies were, on more than one occasion, commanded by men born, or immediately descended, from natives of his majesty's dominions. If they had the same encouragement here, they would undoubtedly prefer the service of their own sovereign; and it is natural to suppose, that, by the introduction of a proper proportion of Catholic officers into the army, the lower orders of the people of Ireland, of that persuasion, would be more favourably disposed towards the service, and that the recruiting would be greatly facilitated.—There are some other points, sir, to which, in a committee, I should think it my duty to endeavour to draw their attention; though I shall not now trespass any further on the indulgence and patience of the house. But, before I make my motion, I must again observe, that if the accuracy of any of the detailed statements of numbers contained in the resolutions be disputed, I hope that this difference will be considered rather as a motive for the further investigation, than for the immediate rejection of my propositions: and I pledge myself to prove that they are accurately made out from the documents on the table.—After again expressing his regret at the very late period of the session to which his motion had been postponed, in consequence of the long delays that he had not foreseen, and could not prevent, in the production of the documents on which it was founded, the honourable officer concluded by moving his *first* resolution.

Lord *Castlereagh* observed, that the hon. col. in the outset of his speech, seemed very sanguine that he should be able to convince the house of the expediency of appointing a committee on the subject of his resolutions; and then stated, as the first remedy which he should propose in the committee, for the evils of which he complained, the undoing of that which parliament had been doing for the last two years, having himself but little to offer in substitution, and being willing to defer the introduction of that little till next session! He rather thought that on these grounds the hon. col. would be disappointed in his expectations. Did he imagine that his right. hon. friend (the chancellor of the exchequer) was ready to go into a committee at all times because there was one period in which he deemed it expedient to do so? the hon. col. should recollect, that the same proposition had been agitated in an early part of the present session, and that neither his right hon. friend, nor the house, at that time, deemed it expedient to go into such a committee, and he did not believe that what the hon. col. had this evening urged, would hold out a sufficient inducement to them to acceed to that, which on the occasion he alluded to, they had most decidedly rejected. Putting out of his view the early part of the hon. colonel's speech, in which he had travelled so far out of his way to censure the conduct of government in the rupture with Spain, and to state the injurious consequences of that rupture to Great Britain, he would confine himself to the subject immediately before the house, namely, the present military state of the country. There was one fact, which the hon. col. himself could not dispute, and on which he could not help congratulating the house. Parliament had certainly adopted a system in the additional force bill, which, although it might not have been productive to the full extent that was expected by his right hon. friend who introduced it, yet as far as it went, was not only compatable with the recruiting service, but since the existence of which the recruiting for the regular army had been constantly and progressively improving. Though the hon. colonel might impeach the details (which had already been discussed so largely) he could not contend that a system which produced under every disadvantage, nine or ten thousand men in the year, was an unimportant one. He had asserted that the increase had not exceeded 4,000 men in the year; but the papers on the table confuted his statements. In the four first months of this year the army had experienced an increase of 7,500 men; calculating in that proportion for the remaining eight months, the number would be 15,000, making in the whole between 22 and 23,000 men, instead of 4,000 and this without including the transfers from the militia. But the hon. colonel seemed to think that the measure which he suggested, of enlisting men for a term of years instead of for life, might without delay be adopted, and by improving the character augment the numbers of our army; and he insinuated blame against ministers for not having attended to this subject. Now, the fact was, that they had given it the most anxious and painful attention, and the great difference of opinion that prevailed not only among them, but among men of the highest military authority, justified them in not coming to parliament to propose such an alteration. In his own mind, he thought few more men would be obtained by this new inducement, and he was confirmed in this opinion by the fact, that when it was proposed to the Irish militia to inlist into the regulars, a bounty of ten guineas being offered for limited service, and 12 guineas for unlimited service, out of 9,000, only 250 took the 10 guineas, for limited service, and the remainder were induced, by the trifling addition of two guineas, to inlist for unlimited service. The hon. col. complained of the heavy expence of the second battalions; but these were of infinite service. From them the first battalions were most easily supplied, as was clearly evinced in the regiments lately sent out to the East Indies, which were immediately compleated to their full compliment of 1000 men from the numbers of volunteers who crowded from the second battalions. Another benefit attending these second battalions was, that in case of invasion (the danger of which he had never asserted to be at an end) the number of experienced officers in the midst of the country, ready to take charge of the volunteers or armed peasantry would be a circumstance of incalculable advantage. With regard to the difficiencies at present existing in the regular army, it was evident that all armies raised as those of Great Britain were by voluntary enlistment and not by conscription, must be occasionally short; but owing to the supernumeraries not having been accounted for in the papers on the table, he rather thought that they stated the deficiencies as greater than they really were. The regular army was at present greater than it ever was in this country: of that army the disposeable force was larger; of that disposeable force the infantry, and particularly the British infantry, were more numerous, independant of a volunteer force exceeding 400,000 men, which, whatever the hon. colonel might think of them, were in a state of spirit and determination which would render them formidable to any enemy that should dare to attack them. Compare our gross force with the highest point to which it reached in 1802, and it would be found to exceed that number by 5,100 men. Compare our present regular army with that existing on the 1st of January, 1804: at that period it consisted of 150,500 men, it now amounted to 179,100, making an increase in the last 18 months of 28,600 men. Of that number the disposable force was on the 1st of January, 1804, 122,700; it was now 161,300, being an increase of 38,600; of the disposable force, the infantry (which had been contended, and fairly contended, to be of the most moment) was on the 1st of January 1804, 90,500, it was now 121,700, being an increase of 31,200 in the regular disposeable infantry, during the last 18 months. The number of foreign troops was pretty much the same at each period, the increase being nearly exclusively in British infantry. The hon. colonel did not seem to attach so much consequence to the foreign troops in our pay as they deserved. Even the native troops in Ceylon were by no means contemptible; the Sepoy's had frequently shewn themselves formidable. But what could the hon. colonel say against the Hanoverian troops, or those other continental regiments, who fighting under gen. Stuart in Egypt, had abundantly proved their bravery and discipline? It was impossible for him, consistantly with his duty, to say any thing on the expedition that had been sent up the Mediterranean, except to express his surprise that the hon. colonel, in total ignorance of all the facts which had induced government to fit out that expedition, should take upon him unequivocally to condemn it. The hon. colonel's statements of the general distribution and amount of our force in our foreign possessions was erroneous. In the accounts of June 1805 the artillery were not included, but he compared them with those of January 1804, in which they were included. The actual return of the troops now serving abroad was 69,300 men; in Jan. 1804 they consisted only of 49,000 men, so that the actual increase of the number of troops serving abroad was not 16,000 as stated by the hon. colonel, but 20,300.—With respect to the general deficiences at home, the hon. col. had truly stated them at 4,000; but was this surprising, when we had detached such numbers abroad? Besides, examine the comparitive quality of the force in Great Britain now, and that in January 1804. Whether we looked to the regular army, the militia, or the volunteers, no man of a candid mind but must admit, that so far from the means of defence which the country possessed being weaker at the present moment than they were at that period, they were much more powerful, and afforded much greater security; and although he would not say that the danger of invasion was entirely gone by, he would certainly say, adverting to our naval and military force, that the danger was not near so considerable as it was at the period alluded to. The hon. colonel was of opinion that such were our military deficiencies, that we could not avail ourselves of any opening that might offer itself for operations on the continent; but should any opportunity really occur, arising from the efforts of those great powers who alone were able to combat the gigantic strength of France, a great part of our disposeable force might be detached to act in co-operation with them, leaving the country under the protection of the militia, the volunteers, and the remainder of the regular army, who would be amply sufficient for its defence, secured as it would be from any danger of invasion, by the necessity which the enemy would feel to direct his exclusive attention to those parts of his own empire in which he was attacked. Admitting that our force, high as it now stands, does not stand so high as it could be wished, what could be more expedient than to permit the continuation of those measures, by which it had been so rapidly and materiall increased? The bill introduced by his right hon. friend, had, under the most disadvantageous circumstances, produced above 10,000 men in the year. If the general and regular recruiting should go no higher than it had hitherto done, it would cover the casualties, and the operation of the additional force bill would be a net addition to our strength; but there was every reason to expect, that the ordinary recruiting would rise much above the standard of last year. What it exceeded that standard so much would still be added to our force. It was impossible therefore, with justice, to contend that this system was bad or inadequate to the wants of the country. The hon. colonel talked of new schemes; of these we had no practical experience, but we had practical experience of his right hon. friend's system, and he earnestly dissuaded the house from tampering with that system or setting the question once more afloat. On a revision of the whole of the circumstances of the case, in comparing our present strength with our former, he saw no ground of charge against government; but, on the contrary, it appeared to him, that they had done their duty, and acted on a system, which, without being injurious to other parts of the service, had very considerably extended the military strength of the country. Feeling, therefore, that there was nothing to warrant the going into a committee for the purpose of undoing that which in his opinion had been so well done, he should move the order of the day.

Mr. *Fuller* wished to ask hon. gentlemen what they were afraid of, with 600,000 armed men at their back? He could not conceive how gentlemen could talk in such a manner. He had seen the right hon. the chancellor of the exchequer's corps, the Cinque Ports, and he bore testimony to their spirit and discipline. He had assured general Johnston he would take an opportunity of mentioning it to parliament; these were, most of them, laborious men, and went through manœuvres, for a whole day, as well as any troops, and walked upwards of 18 miles home at night. He would ask then, what men could do more? he was a colonel of volunteers himself; he had been once in the cavalry, and one thing or other for five and twenty years; he was, to be sure, but a bad orator, but he knew gentlemen who were good orators and no soldiers.—The hon. gent. alluded to the hon. colonel's animadversions on the appointment of Mr Birch, the pastry cook, to head a regiment of the London volunteers. Mr Birch was a man of good character; he was an excellent citizen, and perhaps as able an orator as the hon. colonel himself. The history of France afforded many instances of men like him rising to military rank from obscurity. What was Moreau himself? he was once a lawyer, and afterwards a great general.

Sir *James. Pulteney* entered into a comparison of the merits of the enlistment for life and the enlistment for limited service. The latter had been tried in the American war, and had failed. It was again on trial in the additional defence bill, which was said by the hon. colonel to have failed too, and yet he wished the house to go into a committee for the purpose of submitting a plan, which at the same time he asserted had just been unsuccessful. The fact was, there was no disposition in those people who determined to become soldiers, to prefer enlisting for a limited time to enlisting for life; no good effect was produced by holding out that boon, but the inconveniences attending it were numerous. To the system of inlisting men for limited service in the army of reserve, he had been a warm friend, and he contended that there was no better mode of recruiting the regular army, than first to permit men to enter in that manner for limited service. Of that army which originally consisted of 40,000 only 17,000 remained; the others had enlisted into the regular army.

General *Norton* explained some of the military details, defended the conduct of government, and particularly contended that no unnecessary expences had been incurred by them in the prosecution of their plans. He did not see any necessity for going into a committee on any of the points suggested by the honourable mover.

Sir *William Erskine* said, that he had laid his mind to the subject of devising what might be the best mode for recruiting the army from the first moment he went into it. The result of all his deliberation was, that no efficacious means could be devised in which force was not in some shape employed. He should be sorry to dwell on the dark side of the subject. But he had not yet seen any country which was not obliged, sooner or later, to have recourse to compulsion. France had adopted that system before the revolution, and there was not a country on the continent in which it was not practised to a greater or lesser extent. How was it to be supposed, then, that in this flourishing country, considering the great competition which manufactures and agriculture presented, our army could be kept up, without at length resorting to a similar expedient? Enlisting men for a limited period, had already, in some instances, been tried, and had not answered the purpose, nor did he think it ever could. The best means of raising men, was to interest as many as possible in the raising of them. On what other principle was it that the ballot had been found so effectual, but from the circumstance of every person feeling himself interested in the business? As to the volunteer system, he differed widely in his opinion of it, from the hon. mover; nor did he think that any officer in the army would feel hurt at seeing officers of volunteers. For his own part, it gave him pleasure to see men active in the service of their country, and exposing themselves to inconvenience without the prospect of any recompence. No other country had ever displayed equal spirit as this country had done in its voluntary exertions; and he conceived the volunteer system as being at this moment the sheet anchor of the state.

Mr *Wortley Stuart* wished to know why because a man in his private capacity was a pastry cook, he was incompetent in his military character to command officers of inferior rank? How was it to be avoided? where there were a number of men, there must be subordination in rank. He saw no reason for jealousy in the regular army at the manner in which volunteer officers were promoted to rank, nor did he see how that system could be avoided. He should not be ashamed to take the command of a company of volunteers any more than of the best regulars in the service, so well did they conduct themselves in general.

Mr. *Windham* could not conceive how it was possible for any man to figure to himself that men could be procured for life with equal ease as they might be had for a limited number of years. In the one view it must be obvious to the person enlisting that he had an option; in the other, that he had none. It would be always in his power to change his service for a limited number of years, to a more extended service; but he could not, *vice versa*, change a service for life into one of a shorter endurance. It was not in nature, therefore, that he should not like the one better than the other. Such, likewise, was the system in every other kingdom in Europe. It was a system of economy, as well as the only probable one which promised to be effectual. The price at which men could be obtained would be so much less, as amply to compensate the loss of more frequent recruitings, or rather those increased provisions for soldiers, as would engage most at the expiration of their term to enter afresh. The honourable member then proceeded to take a view of the different descriptions of force at present in the service of this country, and contended, that by the diversity a jumble was occasioned, which made it difficult, if not impossible, to come at the actual statements; as the apparent increases were not in reality so, but were transfers from one part of our force to another. He particularly dwelt on the immense promises, but trifling effects, produced by Mr. Pitt's bill. Now it was admitted, even by the noble lord who had spoken to-night, that it had completely failed, and he contented himself with arguing, that, at all events, it could do no harm. This was a dreadful falling off from what was at first professed. Yet still the noble lord, averse even now to give up the bill, begs hard for a little longer trial. He shews what it produced during the last week, and calculating on a similar number yet for every week of the year, again argues that it has not had a sufficient trial. This reminded him of an apothecary whom he once knew, and of whom it used to be observed, that whenever any of his medicines was complained of by a patient, as not agreeing with him, he never failed to exclaim "try it again." It had been said, that the greater number of persons were interested in the recruiting the better it would go on, and that on this principle the bill was good for something, as it set 20,000 recruiters at work all at once. But it must be remembered, at the same time, that these men were not limited in the bounty; they might extend it to any sum not exceeding 34l. a man; and therefore, instead of talking of these parish officers as 20,000 assistants, (or whatever the number was added to the ordinary recruiters,) it was more just to describe them as 20,000 additional competitors in the market.

The *Secretary at War* assured the house that he would not long detain them from the question which they seemed so anxious to come to, but he was sure they would feel it was the bounden duty of his situation not to suffer a misrepresented statement of our real disposable force to pass unanswered, and to impose upon the house and the country, and in doing so he would be studiously short and concise. The hon. member who spoke last (Mr. Windham) complained that there was no distinct account of the increase of British infantry, but that all was so blended and confused with foreign corps, that no precise idea could be formed of what he regarded as our real and material strength. I beg his attention then while I state, that not a man of Maltese or Ceylonese, not a man of Brunswick or Canadian fencibles abroad, or of the German legion at home, but the actual return of British infantry, such as they were at the beginning of this year, and such as they are at the moment I speak. The state of the army, exclusive of foreign and provincial corps, on the first of January 1805, was, cavalry 21,223, infantry 103,670, making 124,893, of which, the limited service was 20,747, leaving a disposable force of 104,146. On the 1st of June 1805, it was, cavalry 21,760, infantry 115,486, making 137,246, of which the limited service was 17,865; leaving a disposable force of 119,381.—Will gentlemen then still contend that the British army has not been materially increased? But, says the hon. gentleman, all that can be now said by the noble lord (Castlereagh) is, that the additional force act can do no harm. No such thing was said: he said it did no harm to the recruiting service, of which I will in a moment convince you. The effect of the bill has been to raise in all 5,596 men. Lost by casualties 1,167, making 4,429; and in the last four months it has produced to the British army 3,140 effective, being at the rate of more than 9,000 men a year, exclusive of casualties; nor has it injured the recruiting service, which is in a state of unexampled increase, producing for the last four months 4,650 men, far exceeding, as appears by the papers upon your table, the produce of any former period; and, allowing for all casualties at home and abroad, it appears clear that you are gaining at the rate of 3,758 men in four months, that is 11,274 actual addition to the effectual strength of the British army in the course of the year. But we are told, that recruiting for a term of years is the only resource, and it is so because it has been successfully adopted on the continent. Is it necessary to tell the house how little our situation corresponds with that of other countries? Take but one consideration, you have 74 batallions on foreign service; suppose this new system, so plausible in theory, were adopted, and that 8 years was the period of service, you must then have 9,000 men of returning, and as many of a relieving force, yearly afloat.

Would not this of itself, to say nothing of the expence, create a doubt, and induce the house to pause ere they adopt an untried scheme, and which, if once adopted, cannot be abandoned, in place of one which from experience we know to have been prosperous and successful?

Colonel *Craufurd* made a short reply.—He disclaimed any idea of saying any thing against the volunteers themselves, but contended that government had placed them in an absurd situation. The system by which they were managed was in his opinion ridiculous. As to the gentleman of whom he had already spoken as illustrating the principle by which volunteer officers had rank over those who had seen the service of 25 or 30, or perhaps 40 years, and which must have an unfavourable effect in the minds of such officers, he had no ill-will towards that gentleman; he believed he was a very good character; he had a better education than pastry-cooks might be expected to have in general. No doubt he was a fit person to know how soups might be well made, but he had no hesitation in saying that he should feel his pride hurt in being told that such a person, however respectable in private life, was to command him in a military character. There was a great deal of difference of opinion between him and the noble lord on the subject of our military system, and that he took to be a very good reason for going into a committee for the purpose of seeing who was right.—The motion was then put, and negatived without a division.—Adjourned.

HOUSE OF LORDS.

Saturday, June 29.

[MINUTES.] The Irish Loyalists Commissioners bill, the Expiring Laws bill, the Wollen Manufactures', and the Corn Export Regulation bills, severally passed through committees of the whole house, lord Walsingham in the chair, without amendments; and the reports were afterwards received.—The report of the Stipendiary Curates bill being taken into consideration, the lord Chancellor proposed an additional clause, for the better regulating the provisions respecting the parsonage and residence houses, which was agreed to by the house. The bill so amended, was then ordered to be read a third time on Monday.—The Poor Clergy Provision bill was read a third time and passsed.—Adjourned.

HOUSE OF COMMONS.

Saturday, June 29.

[MINUTES.] Dennis Bowes Daly, esq. took the usual oaths and his seat for the county of Galway.—The account of the unclaimed Dividends was ordered to be printed.—A message from the lords informed the house, their lordships had agreed to the Poor Clergy bill, the Seaman's Encouragement bill, and the Irish Civil List bill.—Mr. Rose gave notice, that he should, early next session, bring in a bill for the regulation of Pilots.—Mr. Alexander brought up the report of the Committee of Supply, which was agreed to—Mr. Vansittart moved for and obtained leave to bring in a bill to amend the Permanent Irish Grants, as far as related to Military Surveys.—The Foreign Wool Importation bill was reported, and ordered to be read a third time on Monday.—The Custom House Fees bill, and the Warehousing bill, were read a third time.—The house went into a committee on the Straw Hat bill, and the report was ordered to be received on Monday.—The house also went into a committee on the bill for purchasing Buildings in Palace-yard, and the bill was ordered to be read a third time on Monday.—The Irish Loan bill was reported, and the bill ordered to be read a third time on Monday.—The Harbour of Howth bill was reported, and ordered to be read a third time.—The 8 million Loan bill, the 2,500,000l. Exchequer Bills bill, and the 1,500,000l. Exchequer bills Bill, were read a third time and passed.—The Smuggling Prevention bill was read a first time, and ordered to be read a second time.—The Distillery bill was reported, and ordered to be read a third time on Monday.—Adjourned.

HOUSE OF LORDS.

Monday, July 1.

[MINUTES.] The bills upon the table were forwarded in their respective stages. Among these, the Irish Loyalists Commissioner's, the Irish Assessed Taxes bill, and the bill for continuing the Proceedings of the house of lords in the case of Mr. Justice Fox, in the next session of parliament, were severally read a third time and passed.—The Exchequer Bills bill, the Forgery Laws Extension, the Warehousing, the Smuggling Prevention, the Cochineal bill, the Isle of Man Smuggling bill, and several private bills, were brought from the Commons, and respectively read a first time.—The earl of Suffolk, in allusion to a bill which he conceived was before the house, which he understood appropriated large salaries to Prize Agents, and allowed great emoluments to certain other persons, observed, that in many instances, the naval forces were treated with great partiality, with respect to captures, to the prejudice of the land forces; he particularized some cases, where he conceived the army were fully as well entitled to its share of the proceeds of the captures, as the navy, and yet the whole was claimed by the latter, viz. at Toulon, and at the Cape of Good Hope; the latter place could not have been taken, were it not for the co-operation of the land forces. A stronger instance obtained, in the case of a detachment he had himself commanded while serving in America: the whole of what was taken on that occasion was captured by that force; and yet, because it could not be so well conveyed to the place of its ulterior destination by land, as by sea, the property was claimed by the navy. The noble earl made no motion on the subject.—The Woollen Manufacturers bill was read a third time, and passed. Lord Holland took the opportunity briefly to express his disapprobation of the principle of the bill; and his satisfaction at understanding it was intended the general subject should be taken up early in the next session of parliament.—Lord Holland presented a petition from certain inhabitants of the island of Guernsey, whose names were thereunto subscribed, against the Smuggling Prevention bill, praying to be heard by their counsel against the same. His lordship observed, he should take an opportunity to move that the petititioners to be heard by counsel in a subsequent stage of the bill. The petition was ordered to lie on the table.

[STIPENDIARY CURATES BILL.]—The order for the third reading of this bill being read,

The Earl of *Suffolk*, not having sufficiently perused the bill, since it was so materially amended in the committees, wished their lordships would agree to postpone the third reading for a day at least. Should that not be the sense of the house, he should shortly perhaps trouble them with a few observations. On the question being put,

Lord *Holland*, however he admitted the benevolent and desirable object of the bill, yet, in some points of view highly disapproved of the principle: it was an improper legislative interference in the private concerns and contracts between man and man; for such he esteemed those between the curate and the incumbent to be. He disapproved of a positive fixing of the maximum and minimum, and still more of that principle, which went to proportion the salary of curates, not in a ratio to the extent or nature of the service performed, but according to the wealth and property of the incumbent. He admitted that the provisions of the bill, since its introduction into that house, had been considerably ameliorated.

Lord *Harrowby* widely differed from the noble baron in some of the positions he had laid down, particularly the idea that the stipend of the curate should be what the incumbents might please to agree for or allow him; it were possible an officiating minister could be got for a penny a day; but such would be an insufferable degradation of the clerical character, to uphold which was partly the object of the bill; neither could he think it would have an injurious effect with respect to contracts already made between the parties alluded to, and he thought the discretionary powers vested by the bill could not be better placed than in the hands of reverend prelates.

Lords *Holland* and *Harrowby* severally explained. In the course of which, the former peer expressed his opinion, that the incumbents, in many instances, were as well worthy the benevolent interposition of the legislature as the curates possibly could be.

The Bishop of *St. Asaph* delivered his sentiments at some length. He thought that some noble lords opposed the principle of the bill, while others defended it on equally erroneous grounds. A mistaken idea should not go forth in the country that the bill would greatly ameliorate the condition of the poorer clergy, nor that it would obliterate all appearances of poverty among the ministers of religion. That it would not do; though, as amended, it would be productive of some good in obviating the scandalous consideration, that many parishes were not adequately supplied with officiating ministers. He agreed with the noble baron opposite in many of his positions; and, after explaining the powers vested by the bill in the bishops, demonstrating the necessity of making an addition to the stipends, and fully allowing that the situation of many incumbents called for the interposition of the legislature towards their relief, he observed, that, upon the whole, the bill was brought to that shape that he should say, "content," to it.

The Duke of *Norfolk* fully concurred in the idea of his noble friend (lord Holland), that the situation of numerous incumbents was such as loudly to call for the interference of parliament. Measures of the kind, more properly, should originate with the rev. bench; and any measure they should propose on that head, should have his warmest support. He lamented that the present bill was brought forward so late, as to preclude an opportunity of fully and adequately discussing it.

The Bishop of *London* spoke in explanation, as to the latter point. No blame on the score of neglect or inattention was fairly imputable in the case of the present bill; and he observed, that a bill even of more importance than the Residence act, did not pass until the 7th of June.

The Earl of *Suffolk* apprehended, that for want of a sufficient degree of publicity in the contracts, the full benefit of the present bill could not be obtained. He contended for the necessity of a measure of the kind. In the county of Lincoln, he understood, there were twenty parishes, the duty of which was, in general, performed by three curates.—After some explanation between some of the above peers, the bill was read a third time. On the question for its passing;

Lord *Harrowby*, in reference to what had been thrown out with respect to the situation of various incumbents, expressed his concurrence in what fell from noble lords on that head; he hoped the subject would be taken up in the next session; and added, that a great deal of valuable information on the subject would be obtained through the provisions of a bill lately acceded to by their lordships.—The bill was then passed, and a message sent to acquaint the commons therewith.—Adjourned.

HOUSE OF COMMONS.

Monday, July 1.

[MINUTES.] The committee on the Irish Revenue Regulation bill, the further consideration of the Report of the Irish Customs Regulation bill, the consideration of the Lords' Amendments to the Irish Distillers' bill, and the further consideration of the Report of the Dublin Paving bill, were, on the motion of Mr. Vansittart, put off to-morrow.—The Irish Spanish Red Wine Duty bill passed through a Committee, to be reported to-morrow.—Lingham's Divorce bill was committed, Mr. Parke was heard on the part of Mr. Lingham. Several witnesses were examined touching the circumstances of the case, and the service of the notice of the bill on Mrs. Dixon, Mrs. Lingham's mother. The bill then passed through the Committee, to be reported to-morrow.—The third reading of the Distillers' bill was put off to to-morrow.—The house went into a Committee on the Parliamentary Bankrupts Privilege bill; to be reported to-morrow.—Mr. Whitbread moved "that a Committee be appointed to examine the Lords' Journals respecting the Reports of the Commissioners of Public Accounts, and their proceedings thereon, and that the Committee appointed to draw up articles of Impeachment against Henry Lord Viscount Melville be the said Committee." Ordered.—Lord A. Hamilton moved the third reading of the Corn bill. After a short conversation, in which Mr. Ferguson objected to the measure, which lord Archibald Hamilton defended, and sir John Sinclair consented to support, as a temporary expedient, laying in his claim at the same time, if the bill should be found to be injurious, to propose its repeal in a future session. The Secretary at War also, and Mr. Holt Lee, spoke briefly in favour of the bill, after which Mr. Ferguson withdrew his opposition to the measure, and the bill was read a third time and passed.—A message from the lords informed the house, that their lordships had agreed to the Woollen Manufacturer's Penalty Suspension bill, the Irish and English Corn Exportation bill, the East India Woollens Exportation bill, and the Irish Loyalist Compensation Commissioners bill, without any amendments; also, to the Irish Assessed Taxes bill, and the Irish Paper Duty bill, each with an amendment, and that they had passed a bill for continuing the proceedings in the case of Judge Fox, in which they desired the concurrence of the house.—Mr. Rose obtained leave to bring in a bill for the better regulation of Pilots for piloting vessels navigating the British seas.—An humble address was ordered to his majesty on the motion of Mr. Kinnaird, that his majesty would be graciously pleased to give directions, that there be laid before the house copies of any reports that may have been laid before his majesty by the commissioners appointed for regulating the civil affairs of the Navy. The address was ordered to be presented by such members as are of his majesty's privy council.—The Chancellor of the Exchequer moved the order of the day for the third reading of the University Advowson bill. After a short discussion, the bill was read the third time and passed.

[NAVAL ADMINISTRATION OF EARL ST. VINCENT.]—Sir *A. S. Hamond* trusted that he should be indulged in moving, without a notice, for a paper which he thought necessary to have on the table, with a view to the discussion to-morrow. Amongst the papers ordered on the motion of the hon. admiral opposite (Markham) was a letter from the Lords Commissioners of the Admiralty to the Navy Board, dated the 19th October, 1802, inclosing a copy of their Lordships' minutes of the 16th of the same month. If this letter was to be laid before the house, he thought the answer to it ought also to be produced. He therefore begged leave to move "that there be laid before the house a Copy of the Letter from the Navy Board to the Secretary of the Admiralty, dated Nov. 15th, 1802, in answer to the above letter."

Admiral *Markham* rose, not, he said, to oppose the production of the paper now moved for, as he had no objection to the production of any paper whatsoever that might give the house any necessary information on this subject, but to express some degree of surprise at the circumstance of moving for a paper, declared to be of some importance, on the very evening previous to the discussion of an important subject to which it related, and when it would be impossible to have that paper in the hands of members in time preparatory to that discussion. There were many papers for which he had moved, and which were not yet printed. There were many others which he also might think important, and might be desirous of moving for; but his only reason for not so moving was a wish not to impede any longer the proposed discussion.

Sir *A. S. Hamond* wished only that the answer should be in possession of the house as well as the letter. No delay had arisen on the part of the navy board respecting the production of the papers that had been ordered by the house, every clerk having been employed in preparing them.

Mr. *Kinnaird* rose to express his extreme reluctance, that a discussion of so much magnitude and importance should be pressed forward on to-morrow, when now, upon the very eve of that discussion, it was declared by hon. gentlemen on both sides of the house, and both highly interested in that discussion, that there were yet many papers of importance to the question, and which were absolutely necessary to inform the house, not yet laid before it, and which it would now be impossible to bring forward. To the hon. member who proposed to bring forward the subject to-morrow, no blame could attach; nor could any man say, that he had not given the house ample time to prepare; but if he was now in his place, he (Mr. Kinnaird) should not hesitate to put the matter to his own liberality, whether it would be fair or candid, even after all the delay to which he had acceded, to press the house to a decision, and at this period of the session, for which it now appeared it could not be duly prepared. He should hope, that if the hon. member was now in his place, he would have no objection to the still farther postponement of his motion.

The *Chancellor of the Exchequer* had no hesitation in saying that he entirely agreed with the hon. gent. opposite; that, in the present state of the session, and under the present circumstances, whilst so many essential documents were yet to be laid before the house, they should not be called on to decide on so important a subject. So sensible was he of the necessity of some further delay, in order to enable the house to come fully prepared to the discussion of this subject, that he was ready to join any hon. gent. in using every means to persuade the hon. member to defer his motion to the next session of parliament.

Mr. *Jeffery* rose, and said, he felt it extremely hard upon him, after the repeated delays to which he had acceded, week after week; after the pains he had taken to prepare himself on this subject, that he should now be called upon to postpone it to a future session of parliament. He had only to say, that, from the documents he had moved, he was prepared to substantiate his charges against the noble earl; and that, although delay was now proposed for the want of other documents not yet laid before the house, he could truly assert that the papers which had been moved for by the hon. admiral had no more relevancy to the subject than to any other subject, however extraneous. He begged, however, to remind the house, that he was prepared to substantiate his charges against the noble lord, to the full satisfaction of the house, and to prove that to which he had already pledged himself; namely, that lord St. Vincent was the worst enemy this country ever had. (A loud cry of order! order!) He would repeat the assertion, and he was ready to substantiate the fact; and however severe upon himself, or hurtful to his feelings, to be called on, after so many delays, and so much pains as he had taken to prepare himself for the task he had undertaken, to postpone the business to another session, yet, if it was the sense of the house that he should do so, he would submit; at the same time, however, solemnly pledging himself not to recede from his object one inch, and that no man or body of men should, by any endeavours to procrastinate, prevent him from bringing it forward immediately after the opening of the next session of parliament.

Admiral *Markham* said, that, as to the hon. gentleman's assertions in relation to the noble earl, they were not worthy of an answer, nor would he condescend to notice them by giving one. But with respect to the necessity of members having an opportunity of perusing the papers laid before the house for their information upon so important a question, that he believed would be admitted, as he saw a large bundle of those papers now in the hands of an hon. member, which he should have thought it necessary to move should be printed, but that he saw it would have been impossible to print them in time for the discussion proposed for to-morrow, and which it was by no means his intention to express any wish for postponing. But how the hon. gent. could venture to assert that those papers, for which he (admiral Markham) had moved, would have no relevancy to the subject, he was really at a loss to conceive. How did the hon. gent. contrive to pick up his knowledge of this fact? Was he privy to the correspondence of the admiralty board, or how could he know any thing of the substance of that correspondence? Was it in his country residence he received this intelligence? or had he any private access to the books of the admiralty, that he could assume to know so well what was or what was not relevant to this subject in the contents of those books? He had a right to have some knowledge on this subject from his situation; he conceived the papers he moved for necessary and relevant to the purpose, and his assertion was at least as good authority as that of the hon. gent. He merely wished to ask the hon. gent. whether he meant to bring forward his motion to-morrow, or to put it off? Because, if the latter, he had a great number of papers to move for, which he conceived highly essential upon a question of so much magnitude, because, giving the hon. gent. credit for all the goodness of intention he professed on the enquiry, he wished to extend his object by rendering the information of the house as complete as possible on the subject.

Sir *A. S. Hamond*, as the letter of the Admiralty had been ordered, thought the answer ought also to be laid before the house. He thought, too, that the hon. admiral should move for any papers he might think necessary this session.

Mr. *Jeffery* begged to be indulged in a word or two in answer to the hon. admiral's question, as to the source of his information. It was not derived from any clandestine privity, or improper access to the books of the Admiralty, but from the drawer in the table of that house, where those papers, moved for by the hon. admiral, had lain ten whole days before he presumed to move for their being printed.

Mr. *Tierney* observed, that the assertions made by the hon. member who spoke last, would go forth to the injury of earl St. Vincent's character, without the opportunity of that complete refutation which he had the fullest confidence they would receive, upon a fair discussion of the subject. He therefore regretted exceedingly that the discussion should be postponed; at the same time, however, it could not be denied that the house was entitled to the full possession of every necessary information or document which could be obtained upon a question of so much magnitude, and that every paper necessary to the knowledge of either side of the house, should be laid before them preparatory to a full and fair investigation. In order to this, it was extremely desirable, and it was but fair to ask, that the hon. gent. would state shortly the several heads of his charges against the noble earl, in order that his friends might know to what points the defence was to be directed, and what further documents it might be necessary to move for. He had not himself asked for the smallest delay; but now that the motion was deferred, he might say, that, if the discussion had been brought forward under the present circumstances on an *ex parte* statement, it would have been a most gross and unwarrantable proceeding. The right hon. the chancellor of the exchequer deserved great credit for the part he had taken on the occasion, which alone had weight, as the merits of the case had no share in inducing the hon. gent. to put off the business.

Mr. *Jeffery* wished to know to what length he was required to state the subject of those charges. If the house thought him at liberty, he had no objection to state, that he charged earl St. Vincent, that from his appointment to the office of first lord of the Admiralty, in 1801, until his departure from that situation, that he neither kept the ships of his majesty's navy committed to his charge in proper repair, nor did he do more than such a proportion as one is to eight, of the repairs actually required to place the navy in a proper state: that he did not lay down ships to be built in his majesty's dock-yards for the necessary strength of the navy, but precluded himself from so doing by a sudden and rash discharge of the artificers employed in those yards: that he did not procure the necessary supply of timber for the building, or repair of ships, but defeated that supply in the principal source whence it could have been obtained: that he took no steps to procure the building or repair of ships, in any thing like the proportion he should have done, with a prospect of war: that—

Mr. *Kinnaird* rose to order. He thought it not regular upon a notice of motion to send these things forward to the public, which could not at that time be submitted to a regular discussion.

The *Speaker* interposed, and said, the hon. member was called on to state the heads of the charges it was his intention to bring forward, and it was perfectly in order for him to proceed.

Mr. *Jeffery* continued, and charged, that within one month of the renewal of hostilities with France, the noble lord employed his whole force in laying up the fleets in ordinary. He did mean to charge, that in no one way did earl St. Vincent keep the ships under his charge in the repair that he ought; in no one way did he endeavour, either in the king's yards or the merchant's yards, to procure the building of ships necessary to keep the navy in a proper state; and these facts he would prove to the satisfaction of the house, and in contradiction to any man who would dare to assert the contrary.

Mr. *Wilberforce* wished the hon. gent. to state to the house the nature and object of his motion, in a clear and comprehensive way, that the house might be fully aware of the subject it had to discuss, and members might be fully prepared, in the course of the vacation, to meet the question with competence, when it should be brought forward.

Sir *W. Elford* said, his hon. friend had fully stated the heads of his several charges, but it was hardly fair to call him to state precisely the motion he intended to ground upon those charges. Here the conversation ended. Sir A. S. Hamond's motion was agreed to, and the motion of Mr. Jeffery was understood to be put off till next session.

[DUKE OF ATHOLL'S CLAIM.]—Mr. *Wilberforce*, in conformity with his notice, moved for an address to his majesty for the appointment of commissioners to enquire into those claims. He went over a great part of the ground of argument taken upon former debates, and asked what were the reasons for thinking that the duke was not fairly dealt with in the bargain concluded in the year 1765? Had that great family not then, as well as now, a sufficient number of friends in parliament to obtain justice for it? The sum of 70,000l. granted by parliament was the whole of the compensation which he asked, and if it was not sufficient, why did he not demand more? It was evident that the transaction was settled between friends, who did justice to the claims; and now, after the expiration of forty years, the house was called upon to open the transaction again. The present duke came into possession in the year 1774, and it was not till fifteen years afterwards, and twenty-five years after the compact, that he made application to parliament again. Commissioners of enquiry were then appointed, and on their report they did not recommend any compensation. Had things remained in their former state, and the rights of the duke remained untouched, there would not have been since that increase of revenue, which seemed to lay the foundation of the present claim. He could foresee no solid objection to his motion, for the enquiries of the commissioners would, in all probability, be concluded in six months, and there would be no argument of delay on that account in regard to a measure which had been lying dormant for the last forty years. He concluded with moving "That an humble address be presented to his majesty, beseeching him that he would be graciously pleased to appoint commissioners to enquire into the claims and allegations of the duke of Atholl relative to the Isle of Man; and on a full consideration of all the circumstances of the transaction to report what compensation, if any, it may be proper to allow his grace, and the heirs of the seventh earl of Derby, in consequence of any detriment they may have sustained from the sale of that island to the crown."

The *Chancellor of the Exchequer* observed, that he had heard little else that night than a recapitulation of former arguments on the subject. One point, however, he thought worthy of notice, that was the supposition of the entire voluntary concurrence of the duke of Atholl to the original agreement about the disposal of his rights in the Isle of Man. It must be recollected that an over rigorous measure had been adopted by that house in order to terrify that noble duke; that he was not unlike a person who capitulated on terms. Was it, then, surprising that he should have been rather glad to give up a part than face the danger which then threatened the whole of his revenue? The present duke now came to appeal to the liberality of the house, and that house would certainly not think of pleading a statute of limitation to their liberality; they would not think of ordering that any precise sum should be ascertained and proved as if it were in a court of law; they would not think of guiding their conduct by formal rules or precedents, as if they had to tax a bill of costs. But they would give with a liberality worthy of the great object which was submitted to them, and becoming the honour and liberal character of parliament.

Mr. *Windham* spoke in support of the motion; and observed, that the subject did not appear to have been sufficiently understood out of doors. The proceedings of that house generally found their way to the public; but it seemed that the gentlemen concerned in these publications had ears so fastidious, that they did not condescend to notice this question in the same manner as they did others, or he was convinced that it would have excited a very strong sensation upon the public mind. He knew not to what influence this suppression was to be attributed; but it was plain, that if the minister found means to go on with his business, without letting the by-stander know what he was about, there could be no controul upon him, and he might act just as he pleased, provided he could secure the silence of the journals. It could not be alleged that any part of the lawful property of the duke of Atholl was taken from him in this transaction; and as for the suppression of smuggling, he did not see why the parliament had not as good, if not a much better right to legislate in that case for the isle of Man, as it lately asserted in the case of the islands of Jersey and Guernsey. The duke had set his own price upon the value of his rights, which he received; and to say that the British parliament imposed unjust or oppressive terms on him, was too gross to be believed. If the present claim was acceded to, where was the security that the duke would not in the same way come annually to parliament, and that his claims may not continue as a perpetual rent-charge upon the country? It might, perhaps, be thought hard in him, to use a vulgar expression, which might be said not to have classical authority in its favour, though it had been used by Pope, Swift, Steele, and the other authors of their day; but he must hope to be excused, if he could call it no better than a mere job of the minister. He was not one of those who would represent such a vote as likely to tend to dearness in the price of provisions, or the imposition of additional taxes, but he thought it infinitely too much for the public to grant as a matter of private or personal favour from the minister.

Mr. *Sheridan* said, he never rose with more reluctance to add to the fatigue which the house had already undergone upon this subject. As to the unclassical word 'job,' for which his right hon. friend (Mr. Windham) had, however, thought proper to quote very respectable authorities, he had only to say, that the insinuation had already been refuted at least five times over, in the discussion on this subject. This must appear to the house to be merely a debate of repetition, and the notes from which his right hon. friend spoke, must, of course, be notes of his former speeches. When the right hon. gentleman spoke of jobs, he, at least, thought himself entitled to be exempted from the suspicion of being an advocate for them, or in any sense a mercenary politician; and he supported the claims of the noble duke, not from any personal favour whatever, for he declared, that he was not at all acquainted with him, and had never spoken to him in the course of his life. Allusions had been made to a canvass by the friends of the duke, but the thin attendance of the day shewed, that the treasury or the ministers were not concerned in it; and in a thin house, at the end of the session, he always thought that any man who opposed a measure had an advantageous pull upon the minister, who was principally solicitous to bring the business to a conclusion. Very few dukes ever stood before parliament in the situation of the duke of Atholl, whose influence did not command a single seat in that house either for England or Scotland, and who was confined to his own solitary vote in the house of peers. His parliamentary influence might therefore be considered as nothing; he stood merely on the merits of his claims, and he was the more entitled to compensation, as being governor of the Isle of Man, it would still be very much in his power to add to the revenues and population (a laugh,) no doubt also, of that interesting island. He confessed himself to have been a great deal surprised at what his right hon. friend had insinuated, of the minister's influence over the newspapers on this subject. It was singular enough to hear such an observation from a person who professed himself the determined enemy of such publications, and who declared, that nothing could be a greater blessing to the constitution of this country, than if the reports of parliamentary transactions were suppressed, and that its constituents should know nothing of the proceedings of that house. It might not be regular in him to suppose that there were any strangers within hearing, or that there was any such thing as reporters in the house; but as it was pretty well known that there were some means of conveying the discussions of parliament to the public, and as he observed that it was done with great accuracy, and, in general, with impartiality, he must conclude that the gentlemen employed in that department had nice and fastidious ears, and were able to discriminate that which was most worthy of attention. When these discussions commenced, some sketches of them had been given to the public; but when there were debates of repetition, and the same arguments used over and over again, gentlemen of taste, in the report of them, must have some consideration for their readers. He had always considered publications of that nature as matters of the first importance to the constitution and the country; and, in regard to their influence upon the public mind, in the case of the duke of Atholl, he had no great respect for the authority or opinion of a gentleman, who always professed himself a determined enemy to them. He then read several extracts from letters and other papers, to shew that the bargain was absolutely forced upon the duke of Atholl. (At this time, Mr. Wilberforce came over, and took his seat on the opposition bench). He was extremely happy, he said, to have already experienced his observations to be so forcible as to induce the hon. mover of the question to come over to his side; but as he did not understand the half signs he was making to him (Mr. Wilberforce immediately retired to the opposite side), he supposed he now quitted him from the fear of being touched by the vital truth of the question. He said that a sense of delicacy would prevent him from alluding to the termination of the life of the former duke of Atholl, after having been compelled to accept of this bargain, but there were abundance of proofs to shew that he had not retired as a grateful and contented man. He then adverted to various papers and documents in proof of this assertion, and mentioned that lord Frederick Campbell, and some other friends, had remonstrated in that house against the injustice and oppression of the contract; after which he concluded with giving his negative to the motion.

Mr. *Curwen* denied that his grace of Atholl had the ability to increase the fair revenues of the island to the extent, or in the manner which had been supposed; and supported the motion for enquiry.

Earl *Temple* spoke also in favour of the motion. He denied that the opinion of a noble relative of his was favourable to the claims of the noble duke.

Mr. *Barham* adverted to an expression which had fallen from a right hon. gent. opposite him (Mr. Windham), and said that he would be equally justified in his application of the word 'job;' he might, with equal propriety, say, that all opposition to further compensation was a job.

Sir *William Elford* was of opinion that a fair appeal was made, not only to the liberality, but to the justice, of the house.

Mr. *Bankes* supported the motion, as there did not appear to him to be any facts before the house upon which it could be enabled to form a correct judgment on the case. It was, of all others, a case that most particularly called for enquiry; and the most proper way to do that would be by the appointment of commissioners.

Mr. *W. Smith* spoke at some length for the motion.

Mr. *Graham* assured the house, from the habits of familiar friendship he had the honour to be in that noble family, the duke of Athol would be satisfied, and receive with gratitude whatever the house should think fit to grant on this occasion.

Sir *W. Burroughs* supported the noble duke's claim, and opposed the motion for a Committee of Enquiry as unnecessary.—After a few words from Mr. Wilberforce in reply, the house divided, when there appeared, for the motion, 23; against it, 61; majority, 38.—Adjourned.

HOUSE OF LORDS.

Tuesday, July 2.

[MINUTES.] The royal assent was given by commission to the Irish Civil List bill, the Land Tax Redemption Consolidation bill, the Woollen Clothiers' Penalty Suspension bill, the Coasting Trade Regulation bill, Mr. Pitt's Indemnity bill, and five private bills. The commissioners were the lord Chancellor, lord Walsingham, and lord Ellenborough. Mr. Alexander brought up the Howth Harbour bill, the Militia Officers' bill, and some private bills; which were read a first time, and the University Advowson bill returned, agreed to.—The 8,000,000l. the 2,500,000l. and the 1,500,000l. Exchequer Bills bills, the Isle of Man, and the Custom-house Fee bills, were read a second time and committed for to-morrow.—Mr. Adam was heard as Counsel on behalf of the Petitioners against the St. Pancras Poor bill, and Mr. Plomer for the bill; after which the question was put for the third reading. The earl of Suffolk, the bishop of St. Asaph, and lord Holland opposed the bill being read a third time, wishing for its re-commitment. The bill was supported by the earl of Westmorland and the duke of Montrose. The house divided on the motion that the words "now read a third time" stand part of the question. Contents 17; not contents 5; majority 12. The bill was then read a third time and passed.—Earl Stanhope moved the commitment of the Trust Monies Security bill. The lord Chancellor approved of the principle of the bill, but wished it to be postponed till next session, in order to give time for the thorough consideration of the subject. Earl Stanhope persisted in his motion, on the ground of the necessity which existed for some legislative provision respecting the due security of Trust Monies, and was supported by lord Holland. The house divided on the question for committing the bill, contents, 2; not-contents, 8; majority, 6. The remaining bills on the table were forwarded in their respective stages, and the house adjourned.

HOUSE OF COMMONS.

Tuesday, July 2.

[Minutes.] On the motion of Mr. Wigram, a new writ was ordered for the borough of New Ross, in Ireland, in the room of Charles Tottenham, esq. who had accepted the office of Escheater of Munster. In pursuance of a message from their lordships, the Speaker attended in the house of lords, and on his return informed the commons that he had heard the royal assent given by commission to the Irish Civil List bill, the Land Tax Redemption bill, the Irish Import and Export Regulation bill, the Coasting Seamens' bill, the Woollen Manufacturers' Penalty Suspension bill, and the Poor Clergy bill. Mr. Alexander brought up the Report of the Committee on the Townleian Collection bill; the amendments were agreed to, and the bill was ordered to be read a third time to-morrow. A message from the lords acquainted the house, that their lordships had agreed to the Stipendiary Curates' bill, with several amendments, to which they desired the concurrence of the house.—Mr. Rose presented some accounts relative to ships under quarantine, and obtained leave to bring in a bill to indemnify such persons from the penalties they had incurred by infringing the Quarantine Acts.—Lord Brooke presented a petition from Mr. Greville, an American settler at Milford Haven, against the Southern Whale Fishery bill; which, after a few words from Mr. Rose, was ordered to lie on the table.—On the motion of the Attorney-General, the Lords' Amendments to the Offenders' bill were taken into consideration, and agreed to. The house, on the motion of Mr. Rose, went into the further consideration of the Report of the Committee on the Irish Infirmary bill; when the amendments were agreed to, others were introduced, and the bill was ordered to be read a third time to-morrow. On the motion of Mr. Rose, the house took into consideration the Lords' Amendments to the Irish Distillery bill, the Irish Paper Duty bill, and the Irish Hearth Money bill; when these amendments being found inadmissible consistently with the privileges of the commons, the further consideration of them was adjourned to this day three months. On the motion of Mr. Vansittart, the further consideration of the Report of the Committee on the Dublin Police bill was postponed to this day month. The house went into the further consideration of the Report of the Committee on the Dublin Paving bill. Several amendments were introduced, on which a short conversation arose between Mr. Vansittart, lord De Blaquiere, and Mr. John Latouche. Eventually they were agreed to, and the bill was ordered to be read a third time to-morrow. On the motion of Mr. Huskisson, the Distillery bill was read a third time and passed. Mr. Rose brought in a bill for the better Regulation of Pilots and Piloting Vessels navigating the British seas; which was read a first time, and ordered to be read a second time to-morrow. On the motion of Mr. Huskisson, the Paddington Canal Coal bill went through a committee, and the report was ordered to be received to-morrow. Colonel Stanley presented a petition from Mr. Francis Chalmers, of Liverpool, against the Corn laws, "praying the house speedily to introduce such legislative measures as to their wisdom and mercy shall seem fit, for the repeal of the act of the 31st of his present majesty, so far as relates to the payment of the duty called the Middle Duty, imposed and granted upon Corn imported from foreign parts, and warehoused in these kingdoms, when taken out for home consumption; and also for the repeal of the said act of the 44th of his present majesty, intituled, 'An Act to regulate the Importation and Exportation of Corn, and the Bounties and Duties payable thereon.' And also for doing away the power vested in his majesty's privy council, of advising and procuring the allowance of the exportation of wheat or any other grain, the growth of his majesty's dominions, to any country whatever, whether in a state of amity or hostility with the United Kingdom, at any time when the price of corn shall exceed the price at which corn is allowed by law to be exported, with a bounty; and that the exportation of grain, the growth of the United Kingdom, when the price is double that at which foreign corn is allowed to be imported at the lowest duty, may never again be permitted upon any pretence whatsoever; and that so the laws made respecting corn, may be a certain and steady government as to the corn trade to be confidently acted upon by the petitioner." The petition was ordered to lie on the table.—The Leith Harbour bill was read a third time and passed.—Mr. Baldwin brought up the Report of the Committee on the members of parliament's Bankrupt Privilege bill, and the amendments were agreed to. A new clause was introduced by Mr. serjeant Best; which, after being opposed by sir W. Elford, and defended by alderman Prinsep, was adopted, and the bill was ordered to be read a third me to-morrow.—Mr. serjeant Best, adverting to the notice of his motion on the 11th Report of the Commissioners of Naval Enquiry, which stood for Thursday, declared his intention of deferring it until the next session of parliament.—The Consolidated Fund bill went through a committee, and the report was ordered to be received to-morrow.—Lingham's Divorce bill was read a third time and passed.—The report of the committee on Gardner's Divorce bill was brought up by Mr. Baldwin, agreed to, and the bill ordered to be read a third time on Thursday.—On the motion of sir John Frederick, the report of the committee on the Lambeth Water Works bill was taken into further consideration, agreed to, and the bill ordered to be engrossed.—Mr. Alexander obtained leave to bring in a bill for Regulating the Collection of Duties on Hearths, Carriages, Servants, &c. in Ireland; also a bill for Regulating the Collection of Duties on Spirituous Liquors, &c. in Ireland; also a bill for Regulating the Collection of Duties on Paper, &c. in Ireland. The hon. gent. then brought in bills to the above effect; which were read a first time, and ordered to be read a second time to-morrow.—The Sugar Drawback bill was read a second time, ordered to be committed to-morrow; as were also the Glass Duty bill, the Hop Duty bill, the Linen Drawback bill, the Irish Military Survey bill, and the Irish Loan Amendment bill.—Mr. Alexander brought up the Reports of the committees, on the Spanish Red Wine Duty bill, and the Straw Hat bill; which were agreed to, and the bills ordered to be read a third time to morrow. The Commissioners of Accounts' bill was read a third time and passed.

[TROTTER'S INDEMNITY BILL.]—Mr. *Whitbread* brought in a bill for indemnifying Mr. Trotter and others giving evidence in the case of lord Melville, from any penalties to which they might otherwise be subject for acts committed by them under that noble lord, during the time he held the treasureship of the navy. The bill was read a first time. On the motion that it be read a second time,

Sir *William Elford* asked to what extent the indemnification was to go, and whether or not the bill was to protect the persons alluded to from civil as well as criminal proceedings?

Mr. *Whitbread* replied, that the bill would certainly defend such persons against criminal prosecutions alone.—The bill was then ordered to be read a second time to-morrow, and to be printed.

[DUKE OF ATHOLL'S CLAIM.]—On the order of the day for the third reading of the Athol Compensation bill,

Mr. *Creevey* made his protest against the bill, which he unequivocally condemned.

Earl *Temple* expressed his strong conviction that the passing of this bill deserved the epithet that had been applied to it, "of a scandalous job." No measure of this kind had ever been carried before without recommendation from the crown. That, or an address, ought always to precede the granting of a pension to that amount from the consolidated fund.

Colonel *Stanley* assured the house, that had he considered this measure as a job, he would have had nothing to do with it. On the contrary, he thought it a measure of justice.

Mr. *Sheridan* had waited to hear a few more protesters; but he thought the gentlemen might protest in less strong terms. Their strength of language, however, might be intended to cover their weakness of argument. He should not follow their example, and call them a scandalous opposition. As the summer season was come on, they would have time in the adjournment to become better informed of the nature of the business; and he believed they would then rejoice that their opposition had failed, as much as he now did.

Mr. *Calcraft* thought the hon. gentleman himself had paid little attention to the subject, since he constantly argued from some private statement, and not from the parliamentary documents.

Mr. *Wilberforce* confirmed what had been stated by the last speaker, respecting Mr. Sheridan's reference to a private statement, which he called The Case of the Duke of Athol. The revenues, according to the profit of which the noble duke was to receive an annuity, were the consequence of acts of parliament passed since the transfer, and to which he had no claim.

Lord *De Blaquiere* spoke warmly in behalf of the claim; he never gave a more conscientious vote in his life, than he should do for this measure.—A division then took place, when the numbers were, for the third reading, 42; against it, 12; majority 30.

Mr. *Johnstone* proposed, that the annuity should commence at the death of the duchess dowager of Athol, which proposition was rejected without a division.—Adjourned.

HOUSE OF LORDS.

Wednesday, July 3.

[Minutes.]—The Duke of Atholl's Annuity bill was brought from the commons by colonel Stanley; the Leith Harbour bill by Mr. R. S. Dundas; and the Bankrupts' Privilege bill, by Mr. serjeant Best.—Lord Holland referred to what he had thrown out on a former evening relative to the proceedings touching the trade between the Island of Jamaica and other British settlements and the Continent of America, and declared his intention of taking an early opportunity of bringing forward a motion upon the subject.

[Corn Bill].—On the occasion of the second reading of the Corn bill;

The Earl of *Suffolk*, alluding to the Paddington Canal bill expected from the commons, said the present system of the corn market was a very bad one, and tended to support monopolies. The corn exchange, or market, was by no means large enough; there were but few places for the exhibition of samples; and these being in the hands of a few individuals, a great opportunity for monopoly was evidently afforded. He would therefore recommend the erection of a large and more commodious corn exchange in room of the present one, and also the establishment of another corn market, in the vicinage of Paddington. The same observations would nearly apply to the supply of the metropolis with coals, and to the present coal exchange; towards ameliorating which he should propose to the house, early in the next session, some propositions, the general object of which he had just stated.

[Smuggling Prevention Bill.]—The order of the day being moved for the second reading of the Smuggling Prevention bill:

Lord *Holland* called the attention of the house to the petition he had presented on a former evening from the inhabitants of the islands of Guernsey and Jersey, praying to be heard by their counsel against certain provisions of the bill. It was his intention to move, that the petitioners should be heard by their council.

Lord *Hawkesbury* said, that the objections of the parties were stated rather as against certain provisions of the bill, than to its principle. The committee was of course the fittest stage for the hearing of counsel, and to that he had no objection.—The bill being read a second time, and committed for to-morrow,

Lord *Holland* moved that the petitioners be heard by their counsel in the committee, and that the lords be summoned for to-morrow, on which motion both were ordered.

[Custom House Fees Regulation Bill.]—On the question for going into a committee on the Custom-house Fees Regulation bill;

The Duke of *Norfolk* censured the procrastination which delayed the bringing forward a bill of such importance, and disapproved of its being attempted to be passed through that house as a matter of course, as the bill went not only to affect those who held their places during pleasure, but the emoluments of those who held patent places; a description of tenure, which was always held as sacred as any other kind of property. Many of those persons were even ignorant of such a bill being before parliament; he should therefore propose, that the progress of the bill be postponed for a little time, until the parties alluded to should be aware of what was going forward.

The Earl of *Westmoreland* observed, that he should not on his part object to postponing the committee till to-morrow.

The Duke of *Norfolk* thought this too short a postponement, in reference to what he had stated. It was at length agreed to postpone the committee on the bill in question till Friday.

[Duke of Athol's Claim.]—The Earl of *Westmoreland* moved, that a message be sent to the commons, requesting they would furnish their lordships with a copy of the evidence upon which they had passed the bill for indemnifying John duke of Athol, &c. for his claims on the revenues of the Isle of Man.

The Marquis of *Buckingham* was well aware that the present moment was not the usual time to make any observations upon the bill, as it had only just been ordered to be printed; but he rose merely to observe, that he and many noble lords now absent, might not think themselves justified with the evidence that might be brought from the house of commons, and therefore he wished now to enter his caveat against any objection that might hereafter be made against the production of other grounds of evidence; and against any idea that the evidence taken before the commons, and being admitted by their lordships, should preclude any noble lord from moving for whatever documents he might deem necessary to throw light upon a measure that had been hastily taken up at the close of the session, and which to him appeared of considerable importance, whether it concerned an individual or the public.

The Earl of *Westmoreland* never intended, by making the present motion, to preclude any noble lord from calling for whatever additional information he might judge necessary to elucidate the nature of the question.

The *Lord Chancellor* observed, that there was nothing unusual or extraordinary in the motion; it only requested the evidence taken before the house of commons, as a part at least of the grounds upon which that house might proceed; but it never could be conceived of a nature to preclude any further evidence which any individual of that house might be inclined to move for. For his part, he knew nothing of the matter at present, but when it came to be decided upon, he should form his judgment from the whole of the evidence then before the house.

The Marquis of *Buckingham* shortly explained, and said, he wished to put in the claim he had alluded to, not only on his own part, but on those of some other noble lords then absent, who might wish to deliver their sentiments upon the measure.—The question was then put, and the message ordered to be sent to the commons.—Adjourned.

HOUSE OF COMMONS.

Wednesday, July 3.

[MINUTES.]—Mr. Calcraft presented a petition from the noblemen, gentlemen, and freeholders of the county of Kent, on the subject of the Tenth Report of the Commissioners of Naval Enquiry. Ordered to lie on the table.—The Dublin Paving Bill, the Spanish Red Wine Duty bill, the Pilchard Fishery Bounty bill, the Townleian Collection, the Straw Plat and Hats duty bill, the Camberwell Water Works' bill, the Irish Infirmary bill, the Thames Tunnel bill, and Judge Fox's Proceedings bill, were severally read a third time and passed.—The Chelsea Bay bill, the Irish Military Survey bill, the Irish Loan Amendment bill, the Sugar Drawback bill, the Glass Duty bill, and the Linen Duty bill, passed each through a committee; to be reported to-morrow.—The committee on the Irish Revenue Jurisdiction bill was put off till to-morrow.—The Irish Paper Duty bill, the Irish Fire Hearth bill, the Irish Distillery bill, and the Quarantine Indemnity bill, were read a second time; to be committed to-morrow.—Mr. Hawthorn brought up the Report of the Paddington Canal bill; to be read a third time to-morrow.—Mr. Bankes brought up the Report of the Committee on the Petition of the Trustees of the British Museum, relative to a Grant of Public Money for the erection of a Building to preserve the Townleian Collection.—The Returns respecting Grand Jury Presentments in Ireland, presented on the 26th of June last, were, on the motion of Mr. Elliott, ordered to be printed.—On the motion of admiral Markham, the several Accounts presented on the 7th and 28th of June, and on Monday last, relative to the Navy, were ordered to be printed.—A message from the lords informed the house, that their lordships had agreed to the St. Pancras Poor bill, and desired the house would communicate to their lordships the evidence on which they had passed the duke of Atholl's Annuity bill. On the motion of Mr. Dundas, it was ordered that the answer of the house be sent by messengers of its own.—The Attorney General moved, that the consideration of the Lords Amendments to the Stipendiary Curates bill be postponed till to-morrow. At the same time he felt it his duty to state, that some of them appeared to him to be of such a nature as the house could not entertain. He then gave notice, that he should to morrow move for leave to bring in a bill that might obviate this difficulty.—Sir C. Price presented a petition from the merchants and ship owners of the city of London concerned in the Whale Fishery in favour of the Greenland Whale Fishery bill, and against the prayer of Mr. Greville's petition. Ordered to lie on the table.

[NAVAL ADMINISTRATION OF EARL ST. VINCENT.]—Admiral *Markham*, in consequence of the discussion that had taken place on Monday, and the explanation that an hon. member (Mr. Jeffery) had given of the tendency of the motion which it was his intention to bring forward next session, on the subject of the administration of the navy, felt it his duty to move for a number of papers, which, in order to save the time of the house, he should omit enumerating, leaving them to be severally put from the chair. The first was, "that there be laid before the house copies of all directions issued by the admiralty to the navy board, respecting the repairs of his majesty's ships, from the 1st of October, 1801, to March, 1803;" the second, "copies of all directions from the admiralty to the navy board, on the subject of working shipwrights, from the 1st of October, 1801, to April, 1803;" the third, "copies of all directions from the admiralty to the navy board, on the subject of working shipwrights, from 1783 to 1786." These papers were ordered, and several others, without any comment. But on the question, that there be laid before the house an account of the expence of building and repairing of the Vesta, Pallas, and Narcissus, built at Plymouth, &c.

Mr. *W. Dickinson* rose, not for the purpose of objecting to the motion, but to shew to the house of commons the difficulty of procuring such information as that called for by the motion of the hon. admiral. For this purpose he should take the liberty of reading an extract of a letter from the navy board to the secretary of the admiralty, on the subject of some accounts on a former night moved for by the hon. admiral. The letter stated, that every effort had been made to comply with the orders of the house; that some of the accounts were prepared; others would in a few days be ready; but that a part of the accounts could not be made out in many months, though the several clerks were employed in preparing them during extra hours. These accounts were those moved for by the hon. admiral, respecting the amount of the original contracts, and of the annual expence of repairs of certain of his majesty's ships. He stated this not with a view to put any impediment in the way of the production of the papers moved for, but to prove to the house the difficulty of complying with such orders, and the expence that would accrue to the public therefrom.

Admiral *Markham* replied, that the accounts on which the hon. gent. had commented, related to the original price, and the amount of expence of annual repairs of his majesty's ships, which accounts were already in the navy office, in a book called the Doomsday book. This book was now at the navy office. When he was a member of the board of admiralty, they had the book at that board. In this book were entered the original price, and the subsequent amount of repairs of each vessel. If the navy board were so lax in keeping their accounts, they were very reprehensible, and the more so, because quarterly accounts were transmitted from each of the dock yards, respecting the whole expence of repairs, and for timber therein. He stated what he knew to be the fact, and if the navy board on receiving these quarterly statements neglected to carry them on to account, they must have been very inattentive to their duty.

Mr. *Jeffery* by no means objected to the production of this or any other paper which the hon. admiral might think proper to move for. He should say, however, that of all the papers which the hon. admiral had yet moved for, only two or three were relevant to the charge which he meant to bring forward. The letter which his hon. friend had just read, was a proof to the house of the mode and manner in which the hon. admiral moved for papers; not one of the papers for which he had moved himself was of such a nature as not to be produced in ten days. As to the papers that had been last moved for by the hon. admiral, he could assure the house, upon the fullest investigation, that it was impossible, from the vast multiplicity of transactions which they comprehended, that any account could be produced, in any reasonable time, without material inconvenience to the public service. He hoped the hon. admiral would now move for all the papers which might be necessary to his case. As to himself, he should not look upon himself as bound to confine his charges to the heads which he had already stated. They should extend to a far greater length, and embrace the whole conduct of earl St. Vincent, during his administration of the admiralty, the system of terror which he continued throughout——

The *Speaker* here called the hon. gent. to order, as entering into a discussion not immediately arising out of the question before the house.

Mr. *Jeffery* wished only to explain the extent to which his motion might go, in compliance with what he understood to be the desire of the gentlemen opposite. He was anxious that it should not be understood that his motion was to be confined to the heads he had stated on a former day.

Mr. *Tierney* was so well aware of the consequence of putting any question to the hon. member, that he was not disposed to trouble the house any more on that head. He had found that questions would not lead to any direct answer, though they produced harsh language on the part of that hon. gentleman. The hon. member, no doubt, however undecided he might be at present, might during the summer make up his mind as to the course he should take, or regulate his future conduct, according to the suggestions of any person who might recommend to him any system of harsh proceedings. Without meaning any offence to the hon. gentleman (Mr. Jeffery), he thought he could more safely rely on the authority of his hon. friend (Admiral Markham), as to the relevancy of the papers for which he moved; and, therefore should not reply to the hon. gentleman's observations on that head. He could not, however, but advert to the insinuations thrown out by his hon. friend opposite (Mr. Dickinson), as to the difficulty of making out the accounts; and he appealed to the house, whether, when a grave charge was brought against lord St. Vincent, such a consideration should deprive him of the benefit of papers which he thought essential to his case? He was not sufficiently acquainted with the nature of the papers now moved to judge, but from all he had seen of those already ordered, he could assert, that every one of them was material with a view to the motion proposed to be brought forward relative to lord St. Vincent; and this, notwithstanding the confident assertion of the hon. gent. (Mr. Jeffery) opposite, when the question should come to be discussed. If there was difficulty in preparing the accounts it was not chargeable on his hon. friend. The question had not been brought forward by him, and for himself he deprecated it. Why did not the hon. member, if he thought his conduct deserved it, impeach lord St. Vincent? When he asked the hon. member the preceding day, (and he did not know how far it would be correct in him to state the substance of a private communication,) what proceeding he meant to adopt, he was told that he did not distinctly know; that he wished to make a statement on the subject, and if it was only on the last day of the session, that he would be satisfied. As to what the hon. member had stated respecting the reign of terror, the house would be the judge how far these observations applied to lord St. Vincent. The object proposed in moving for the papers was to prove the question whether or not lord St. Vincent had been guilty of neglect in the administration of the navy.

Mr. *Jeffery* here called the hon. member to order. He had himself been stopped when proceeding to state the extent to which his motion might go, which he was doing in compliance with the desire of the hon. gent. opposite, as being out of order, and he could not conceive it orderly for the right hon. gent. to discuss the merits of the case, as he appeared willing to do. The hon. gent. here fell into the same line of observation as before, when

The *Speaker* reminded the hon. member, that by such observations he was not defending the order of the proceedings. The conversation was irregular, but it was the hon. member himself who had first been disorderly.

Mr. *Tierney* said, he was only proceeding to state the grounds upon which the papers were moved for, as he understood the difficulty of making out the accounts to have been urged as a species of objection to the motion. The view of his hon. friend in moving for them was to shew, by a comparative statement, whether or not lord St. Vincent was guilty of any neglect whilst in office.

The *Secretary at War* here rose to order. The papers were not refused, and he saw no use in the right hon. gentleman's proceeding with his observations, which must lead to discussion.

Mr. *Tierney* was happy that the right hon. gent. was not disposed to resist the production of the papers with the weight of his great influence. But though that right hon. gent. felt no objection, he should recollect that another gentleman (Mr. Dickinson) high in office as himself, and entitled to as much consideration, had stated the difficulty of preparing the accounts as an objection to the production.

Mr. *Jeffery*, again to order, saw no necessity for continuing the discussion, as no disposition was shewn to refuse the papers moved for.

The *Speaker*.—What shall or shall not be refused, will be decided by the vote of the house.

Admiral *Markham* hoped it would not be disorderly in him to assure the house, that all the papers he had moved for were necessary to the motion.—The several motions of the hon. admiral were then successively agreed to.

[TROTTER'S INDEMNITY BILL.] Mr. *Whitbread* moved the second reading of Trotter's Indemnity bill.

Mr. *Alexander* desired to know, whether it was intended by the bill to grant indemnity to these from all the consequences of the confessions they might be forced to make?

Mr. *Whitbread* replied, that the bill was not to force any confessions, but merely to protect the parties giving testimony from any criminal prosecutions, and not from civil actions.

Mr. *Alexander* gave notice of his intention to state his sentiments respecting the bill to-morrow, on the question 'that the Speaker do leave the chair,' previous to going into the committee.

Mr. *Whitbread* trusted the hon. gent. would not object to the bill being committed this day, as it was material that it should pass without any delay. The hon. member would have an opportunity of stating his sentiments on the third reading.—The bill was then read a second time, passed through the committee, was reported, and ordered to be read a third time to morrow.

[CONDUCT OF SIR HOME POPHAM.] Sir *William Burroughs* gave notice, that on Monday next he should move certain resolutions, founded on the report of the committee on the conduct of Sir Home Popham. His object, in moving these resolutions, was, to obtain, on the part of the house, for that gallant officer, the same acquittal from any imputation on his honour and integrity, which he had already by the report of the committee. There were various other topics on which the committee had reported, which it was not his intention to bring into discussion this session. It would be for the house to determine next session how far it might be desirable to take these topics into consideration.

[SOUTHERN WHALE FISHERY BILL.] Mr. *Rose* moved the order of the day for taking into further consideration the report on the Southern Whale Fishery bill; which being read, he said there was a clause proposed to be added, to which he understood there were many weighty objections, as it related to the revenue, and was of the utmost importance. In consequence of the absence of his right hon. friend, the chancellor of the exchequer, he proposed, therefore, to postpone the further consideration till to-morrow.

Mr. *Barham* objected to this delay. He said, he had asked the right hon. gent. who spoke last, when this business was to be peremptorily brought on, and he told him today. Many gentlemen had therefore come down at very considerable inconvenience in order to attend it, and there was at present a fuller attendance than could be expected again during the session. He had come on purpose himself, and it would be very inconvenient to him to attend to-morrow. He hoped, therefore, the house would proceed.

Mr. *S. Bourne* said, that in addition to the reasons given by his right hon. friend (Mr. Rose,) there was one he thought would weigh with the house. As this was a subject which very materially concerned the revenue, the absence of his right hon. friend the chancellor of the exchequer would, he hoped, induce the house to agree to postpone it till to-morrow.

Mr. *Calcraft* said, the subject had been very fully argued in former stages of the bill, and he saw no reason why the chancellor of the exchequer should necessarily be present now; however, if the right hon. gent. was ill, he would not oppose the delay.

Mr. *William Smith* said, he should be sorry to press a question under such circumstances; but he saw no reason why the right hon. gentleman's presence was necessary.

Sir *Charles Price* thought the bill of the highest importance, and that it was only a compliment due to the right hon. the chancellor of the exchequer to defer it.

Lord *H. Petty* expressed himself decidedly against delay.

Mr. *Huskisson* assured the house that the cause which prevented the chancellor of the exchequer from attending the day before yesterday still existed, and that was indisposition.

Mr. *Giles* said, the only question was, whether five ships, belonging to foreigners, should be received without paying alien duties, and it was ridiculous to suppose the house could not determine such a point without the presence of the chancellor of the exchequer.

Mr. *Rose* said, they had lately heard talk of jobs in that house; this clause would, he believed, turn out a job to deprive the revenue of 21,000l. and upwards, and it would give a preference to foreign ships, built at less expence, victualled at less expence, and subject to no insurance, over those of our own country.

Sir *W. Curtis* thought the bill of the highest importance, and that it should be postponed in order to have the benefit of the great talents of the right hon. gent. now absent.

Mr. *Windham* said, that so near as they were to the close of the session, a full attendance was a most desirable thing, in all matters of importance. As he did not think there would be a fuller attendance than the present, if there was no other objection than the absence of the chancellor of the exchequer, he saw no reason for deferring it.

Mr. *Alexander* said a few words in favour of postponement; when the question being called for, a division took place. Ayes, 38; noes, 29; majority, 9. The further consideration was of course postponed till to-morrow.—Adjourned.

HOUSE OF LORDS.

Thursday, July 4.

[MINUTES.] The bills upon the table were forwarded in their several stages.—Among these, the Forgery Law Extension bill, the Warehousing bill, and the British and Irish Corn Importation bill, were read a third time and passed.—The Howth Harbour bill, the Militia Officers' Remuneration, the Palace Yard Improvement bill, and the Corn Act Amendment bill, severally passed through committees of the whole house, and were ordered to be reported.—On the occasion of the report of the Palace Yard Improvement bill, the earl of Suffolk took occasion to observe, that a plan of the intended improvements and alterations, including those proposed in that house, ought to be laid before the house. With respect to the beautiful prospect of that venerable edifice the Abbey, which the openings now making would afford, he expressed his hope that they would not be closed up by newly erected buildings. On the whole, he thought the subject worthy of the consideration of that house.—A number of bills were brought up from the commons by Mr. Henderson, and sir J. W. Anderson; several of them were private or return bills; among the public bills presented were the Dublin Paving bill, the Irish Infirmaries bill, the Straw Plat bill, the Spanish Red Wine, and the Thames Funnel bills. These were respectively read a first time.—The earl of Suffolk took the opportunity, on the reading of the Irish Infirmary bill, to state his opinion, that the system adopted with respect to Infirmaries, and the Medical treatment of the Poor, greatly required improvement; he adverted to something like the principle of the bill for Ireland just read, as advantageous to be adopted in this country.

[TRADE BETWEEN THE WEST INDIES AND AMERICA.] Lord *Holland* rose to bring forward his promised motion for some important information on this subject. He described the proceedings which had taken place in some of the British West India islands, particularly in Jamaica, which induced him to think the present appeal to the wisdom of parliament necessary. They arose principally from the conduct of the governors of those islands, with respect to the discretionary power exercised by them, relative to the commercial intercourse between the islands and the United States of America. He alluded to the suspension of the Navigation Laws, in one point of view, but more especially to the restrictive power exercised by them, with respect to the importation of American produce; so necessary for the sustenance of the islands, and the shipping of that country. The line of conduct to which he referred, either in a political or commercial point of view, was of the most serious importance, and still more, as it affected the supply of the islands with articles of the first necessity, as lumber and provisions. The inhabitants of Jamaica, in particular, felt it so strongly, that their legislative assemblies made repeated representations to the governor upon the subject, who, in one of his answers, stated, he could not permit the importation in neutral bottoms, longer than a given period. With respect to the question, though, as affecting the interests of the islands, of great importance, it was still of greater, as it might affect the commercial intercourse and good understanding between this country and the United States of America. He deprecated every thing like a narrow, selfish, commercial policy, with respect to America. Ministers should consider the circumstances and situation of America, the great importance of continuing that good understanding and extensive commercial and friendly intercourse which now happily subsisted between the two countries, and to which their common origin, language, and manners, so very fortunately disposed them. One of his objects in coming forward was to give an opportunity to his majesty's ministers to disclaim any such notions or principles as actuated their conduct with respect to the restrictions on the trade and commercial intercourse between the West India islands and America. It so happened, and fortunately, he thought, that our West India islands could not be adequately supplied with articles of the first necessity, except from the United States. He thought this was eventually fortunate, because the important consideration to which he adverted would operate as an additional inducement with the government of this country to cultivate a friendly understanding with America. He adverted to some ineffectual attempts which had been made under former administrations to supply our West India islands from the British dominions in North America. Adverting to the incalculable importance of the American commerce to this country, he observed, that any attempts to exclude America from the trade of our West India islands, would be worse than the conduct, as related in ancient fable, of the dog in the manger, whose determination was comparatively wise and liberal. It would go to remind him of the fable of the two petitioners to Jupiter, to whom the Godhead said, that whatever he gave to the one, the other should have double; then, said one, in a paroxysm of folly and malignity, give me blindness in one eye, that my neighbour may be blind in both eyes? So would it be metaphorically, did this country wish to exclude America from our West India trade, upon the narrow principle of commercial jealousy. His lordship took a view of the policy and effects of the Navigation Act, in its different bearings; and argued, that the changes in the system of Europe, and the relative situation of this country, rendered the policy of acting upon it very different from what it was at its first enactment. In war, generally speaking, it was impracticable. He wished the affairs to which he adverted were placed on a liberal footing and permanent basis; and it was important they should declare what line or system of conduct they intended to adopt, respecting the intercourse between America and our West India colonies, in time of war. Through the whole of his speech, more especially towards the conclusion, the noble lord expatiated upon the great national importance, either in a political or commercial view, of maintaining an amicable intercourse and a close connection with America; and repeated, that one of his principal objects in coming forward was to give ministers an opportunity of disclaiming all notions of narrow or selfish policy, with respect to the intercourse in question; a circumstance which would give great satisfaction to all parties; and with respect to their intended system in future, he thought they should be explicit. His lordship concluded by moving an address to his majesty, "for the production of the communication which took place between the legislative assemblies of Jamaica and his majesty's governor of that island, touching the intercourse between that colony and the United States of America, from the commencement of the war with France, to the 21st of May last; also for copies of the correspondence between his majesty's secretary of state for the colonial department, and the governor of Jamaica, on the subject, within the same interval; also, for various documents, respecting the quantities of provisions, &c. imported from America and the island of Jamaica, at certain given periods, distinguishing those imported from British America, and those from the United States of America."—The question being put on the first motion;

The Earl of *Camden*, in allusion to what had transpired on the subject on a former evening, observed, he had stated that no counter-orders had been sent out to the governors. The orders which were sent relative to the conduct of the governors, respecting the subject in question, were precisely to the same effect as those sent out for the same purpose during the last war. By the act of the 28th of the King, he observed, all goods and commodities were prohibited from being imported into the British West India Islands from the United States of America, with the exception of certain articles, as provisions and lumber, in cases of necessity; of these, the respective governors were generally constituted the judges. They were to act upon their responsibility with respect to the admission of these articles, and bills of indemnity were passed, when they had acted contrary to the laws. The noble earl adverted to the extensive nature of the information called for, and the propriety of accompanying these documents with others which were necessary for the full illustration of the subject, and which, in this very advanced period of the session, it would be impracticable to produce. He, therefore, submitted to the noble baron the propriety of withdrawing his motion for the present; or, in case he persisted, he should think it his duty to move the order of the day upon them.

Lord *Hawkesbury* said, that his objections were not so much against producing the required information, as against producing that alone, which would give a false prejudice upon the subject, and would by no means put the house in full possession of the case. Under that conviction, ministers would feel it their duty also to move for a number of additional documents. With respect to what was said of the restrictions upon the trade in question, he had to observe there were many representations made, from respectable and important quarters, of a direct contrary tendency to those alluded to by the noble baron, and reasons adduced, that government, instead of imposing unnecessary restrictions, were, in fact, too indulgent, with respect to that part of the trade of the United States, to the great detriment of the British merchants; their lordships would, therefore, see the propriety of the proposed additional documents, in order to afford parliament and the public an opportunity to decide and judge thoroughly of the merits of the question. He admitted the subject was one which any noble lord might fairly bring before parliament, but the advanced period of the session rendered the production of the necessary documents impracticable. He was, therefore, of opinion with his noble friend, it would be preferable to postpone the discussion to another session, when all the information proper to be laid before parliament could be produced. With respect to the line of conduct intended to be pursued by his majesty's government, relative to the subject in question, it would be regulated by their conviction of the true interests and character of the country, and a due respect for the principles of the navigation laws. With respect to what was said of their views, in regard to the trade of America, they would be regulated by no sentiment contrary to those just and liberal principles of commercial policy, so well understood in the present day; upon principles, founded not only upon the true interest of their own country, but even with a proper regard to the interest and prosperity of America herself.

The Earl of *Stanhope* observed, that his majesty's ministers had not given a fair and honest answer to the question put by his noble friend, as to the conduct they meant to pursue with respect to the colonies during the recess of parliament. They dealt in nothing but generalities, and every statement they made was full of ambiguity. He wished their lordships to consider what might be the consequences of starving those slaves whom injustice and inhumanity had torn from their own country, contrary to all the laws of God and man. He wished his majesty's ministers would take an example from the great and wise man who was at the head of the government of America. In a late speech he had drawn a comparison between the situation of the nations of Europe and his own country, in which a tax-gatherer was not to be seen from one end of it to the other. How different was the state of this country! Admiral Vernon used to say, in a rough seaman-like way, that this country was more taxed than any other on this side of hell. Were the worthy admiral living now, he certainly would find it necessary to make use of still stronger language.

The Duke of *Montrose* saw no reason for the boisterous speech which the noble earl had just made, unless the heat of the weather had so inflamed his imagination, as to render it necessary for him to deliver the observations with which he usually favoured their lordships, in a series of speeches, at this season. A noble earl (the earl of Selkirk,) who entertained similar opinions with the noble lord on the other side of the house, had sold his property in Scotland for the purpose of settling in America, but had returned without carrying his intention into execution. He would therefore recommend it to the noble lord opposite to him, to go to that happy country he praised so much, and he would probably return in better humour with his own.

The Earl of *Stanhope* said, he would not have it said by any person that he was not in humour with his country, merely because he was not in humour with a set of the most ignorant and mischievous ministers that ever existed in any country.

The Earl of *Limerick* observed, that if a general importation was permitted in the Colonies from America, the greatest injury would be done to the Irish provision trade.

Lord *Suffolk* supported the motion, and vindicated the motives which had induced lord Selkirk to go to America.

The Earl of *Carysfort* contended, that the system of which noble lords on the other side had talked, and upon which they acted with respect to the West India Islands, was in fact no system, as it went to encourage the governors of the different Islands continually to violate the law.

Lord *Harrowby* briefly vindicated the conduct of ministers on the subject in question; and he deemed them sufficiently explicit in their declarations.

Lord *Holland* spoke in reply, and contended that ministers had not been explicit; their declarations were mere generalities; in allusion to what was said of the emigration of a noble earl (Selkirk) to America, he referred to his late work upon the subject, which he regarded as full of useful information, and vindicated the motives which induced that noble lord to go to the country in question. He warmly reprehended the idea of noble lords being told, when they openly and freely declared their opinions of the misconduct or incapacity of ministers, that they should leave their country if they did not like it. No, it was the duty, as his noble friend well observed, of persons in their situation, to stay in their country, to watch over its interests, to endeavour to rescue it from destruction, and to abide its fate. Such was the duty of members of that house, and they who asserted otherwise knew little of the duties of legislature.

The Duke of *Montrose* said a few words, in consequence of what fell from noble lords opposite; he would not be dictated to, as to the line of debate or observation he should pursue. He would adopt that which he thought most likely to conduce to his objects; it was not his practice to rebuke others, neither would he be rebuked.—The question being loudly called for, a division took place. For the motion, 8—Against it, 14—majority, 6.—Adjourned.

HOUSE OF COMMONS.

Thursday, July 4.

[Minutes.]—Counsel and evidence were heard on Moore's and Gardner's Divorce bills, by which the marriages and adultery were proved, as also the Judgments obtained in the Court of King's Bench; but no order was made upon them.—A message from the lords announced that they had agreed to the three Exchequer Bills bill, the Isle of Man bill, and several private bills.—The Irish Revenue Regulation bill was reported, and ordered to be read a third time to-morrow.—Mr. Huskisson moved, that a message be sent to the lords, to acquaint them that their request to communicate the reasons and evidence on which a sum of money was voted in compensation to the duke of Atholl, was contrary to the practice of parliament, and that the house deems that a sufficient answer to their message; which was agreed to, and Mr. Alexander ordered to carry up this answer.—The Pilots' Regulation bill was committed, and ordered to be read a third time to-morrow; as was also the Southern Whale Fishery bill.—The Paddington Coal, the Scotch Assessed Taxes, and the Consolidated Fund bills, were read a third time and passed.—The Irish Duty Collection bill, the Irish Distillery, and the Irish Military Survey bills, were reported, and ordered to be read a third time to-morrow.

[STIPENDIARY CURATES' BILL.]—The Attorney-General moved, that the Lords Amendments to the Stipendiary Curates' bill be now taken into consideration; which being agreed to, when the Speaker came to that which altered the quantum of money, he reminded them that it was of such a nature that the house could not, consistently with its peculiar privileges, concur in.—On the motion of the Attorney-General, the further consideration of the bill was therefore postponed to this day three months. He then said, that as the session was so near its close, and as his motion might be productive of some discussion, he should defer bringing it forward till early in the next session.

[IMPEACHMENT OF LORD MELVILLE.]—Mr. *Whitbread* brought up the report of the committee appointed to inspect the Lords' Journals in respect to their proceedings on the charges adduced against lord viscount Melville; which was ordered to lie on the table.—The hon. gent. next brought up the report of the committee appointed to draw up the Articles of Impeachment voted by the house against lord viscount Melville; which being shortly read, *pro forma*, he stated, that when he moved a resolution in the house, that the noble lord should be impeached, he was prepared with the articles which he proposed. He then considered the balances lost, in the case of Mr. Jellicoe, to be of serious importance; but as that opinion did not seem to meet with the general concurrence of the house, the committee had thought proper to limit it. The charges, which he first intended to confine to three heads, now consisted of Eight Articles, in which there was only one which was absolutely new, and not included in their former resolutions. At the time Mr. Trotter was appointed Paymaster of the Navy, it appeared that viscount Melville was in possession of a balance of 10,000l. which had not since been satisfactorily accounted for. There was another charge, arising out of the admission of viscount Melville on the floor of that house, when he was making his defence, that he had been possessed of 10,000l. navy money, the application of which he declared that he never would disclose to any human being. The committee, therefore, agreed to make that the ground of a specific article. Besides these, there were the sums of 22,000l. advanced to viscount Melville, without interest; 22,000l. also, for which it appeared that interest had been paid; and from 10,000l. to 20,000l. which went to what was called between them "the mixed account," and which, hitherto, was altogether inexplicable. He thought it right that this explanation should, in the event, be given to the house; and moved, in the first place, "that the report do lie on the table, and be printed for the use of the house;" which being agreed to, he moved, in order to give gentlemen time to examine the Articles of Charge after their being printed, "that the Report be taken into consideration on Monday next."—Ordered.

The following is a copy of the said Articles of Impeachment.

REPORT FROM A COMMITTEE APPOINTED TO DRAW UP ARTICLES OF IMPEACHMENT AGAINST HENRY LORD VISCOUNT MELVILLE.

The Committee appointed to draw up Articles of Impeachment against Henry Lord Viscount Melville, have, pursuant to the Order of the House, prepared several Articles accordingly: which Articles are as follow, viz.

Articles exhibited by the Knights, Citizens, and Burgesses, in Parliament assembled, in the name of themselves and of all the Commons of the United Kingdom of Great Britain and Ireland, against Henry Lord Viscount Melville, in maintenance of their Impeachment against him for High Crimes and Misdemeanors.

Whereas the office of Treasurer of His Majesty's Navy is an office of high trust and confidence; in the faithful and uncorrupt execution whereof, the subjects of this kingdom are most deeply interested: And whereas the ancient constitution of the said office of Treasurer of the Navy, and of other offices concerned in the receipt, disbursement, and controul of the Public Money, having been found to be highly inexpedient in consequence of the increased expenditure of the country, did become the subject of frequent long and serious deliberation in Parliament; And whereas by an Act of Parliament made and passed in the 20th year of the reign of His present Majesty, and by several subsequent Acts of Parliament, for appointing and enabling Commissioners to examine, take, and state the Public Accounts of this Kingdom, and for other purposes therein mentioned, certain Commissioners were constituted and appointed for examining, taking, and stating the accounts therein particularly mentioned, and also for examining and stating in what manner, and at what times, the receipts, issues, and expenditures of the public monies were accounted for; and for considering of and reporting by what means and methods the public accounts might in future be passed, and the Accomptants compelled to pay the balances or monies due from them in a more expeditious, more effectual, and less expensive manner: And whereas the said Commissioners did inquire into and report upon the Public Accounts by the said Acts referred to their examination, and did discover and point out various abuses in many of the Public Offices entrusted with the receipt and expenditure of Public Money, and in particular in the office of the Treasurer of His Majesty's Navy; and did propose and recommend sundry good and wholesome provisions and regulations for the reformation of the same, and particularly for preventing the Public Money issued for navy services from coming into the possession and custody of the Treasurer of His Majesty's Navy, or the officers or persons employed under him; for depriving him and them of all opportunity of using and misapplying the Public Money to private purposes, and thereby exposing the same to the risk of loss; for making the Bank of England the sole place of deposit for the same; for removing, from thenceforward, all temptations and inducements to applications for more public money than was necessary for the public service; for preventing all unnecessary delay in passing the public accounts of the Treasurer of His Majesty's Navy, and in restoring to the public the balances remaining in his hands: And whereas the House of Commons having taken the Reports of the said Commissioners into consideration upon the 19th day of June, 1782, did (among other things) resolve, that some regulations ought to be adopted for the purpose of lessening and keeping down the balances which appeared to have usually been in the hands of the Treasurer of the Navy; and did further declare their opinion, that from thenceforward the Paymaster General of His Majesty's Land Forces, and the Treasurer of the Navy for the time being, should not apply any sum or sums of money imprested to them or either of them, to any purpose of advantage or interest to themselves, either directly or indirectly.

And whereas, for the more effectually carrying into execution the said Resolutions of the House of Commons, His Majesty, by warrant under His Royal Sign Manual, bearing date the 22d day of June, 1782, was most graciously pleased to augment the income of the Right Honourable Isaac Barré, as Treasurer of His Majesty's Navy, and to add thereto the sum of 2,150l. that the said income might in future amount to 4,000l. which His Majesty was then graciously pleased to grant to the said Isaac Barré, clear of all deductions, in full satisfaction of all wages and fees and other profits and emoluments theretofore enjoyed by former Treasurers of His Majesty's Navy: And whereas by Letters Patent bearing date the 19th day of August, 1782, His Majesty was graciously pleased to give and grant unto the Right Honourable Henry Dundas, now Lord Viscount Melville, the Office of Treasurer of His Majesty's Navy Royal and Ships, and Receiver General of all sums of money appointed, or from time to time to be appointed, and payable for the support, maintenance, and reparation of His Majesty's Navy Royal and Ships; for emptions and provisions appertaining to, and necessary for the said navy and ships, and for wages, salaries of officers, servants, and other persons whatever, belonging to the said Navy or Ships, or any other matter or thing whatsoever in any manner touching or concerning the Navy Royal or Ships; and for the exercise and occupation of the said Office, and for and in satisfaction of all wages and fees of three pence of lawful money for every pound to be received and paid by the said Henry Dundas, by virtue of his said office, His Majesty was further graciously pleased to give and grant unto him by the said Letters Patent, an annuity or yearly payment of 2,200l.

And whereas the said Henry Lord Viscount Melville represented, or caused to be represented, or it was represented to His Majesty, that the said annuity or yearly payment of 2,000l. after deducting all charges, taxes, and expences thereon, would not produce to him the said Henry Lord Viscount Melville more than the sum of 1,850l. in each year, or thereabouts; whereupon His Majesty, by warrant under His Royal Sign Manual, bearing date the 23d day of October, 1782, was graciously pleased to declare that the income of the Treasurer of the Navy should be augmented with an additional allowance of 2,324l. 6s. 6d, in order to make, together with the said sum of 1,850l. the said income to amount in future to the sum of 4,000l. And His Majesty did thereby direct, authorize, and empower the said Henry Lord Viscount Melville to take and apply out of such monies as were in, or should come to his hands, or to the hands of his Cashier, arisen, or to arise by the sale of Old Naval Stores, the said sum of 2,324l. 6s. 6d. which, together with the before-mentioned sum of 1,850l. would make the said sum of 4,000l. which His Majesty was graciously pleased to grant him, clear of all deductions, in full satisfaction of all wages and fees, and other profits and emoluments theretofore enjoyed by former Treasurers of the Navy; the same to commence and be computed from the day of the date of the said letters patent, and to continue during his continuance in the said office: And His Majesty did further direct, authorize, and empower the said Henry Lord Viscount Melville, in case the said additional allowance of 2,324l. 6s. 6d. together with the said several allowances before stated, should not produce in each year the net sum of 4,000l; to charge the deficiency in the annual amount of monies disbursed by him for fees of divers natures: And whereas the said Henry Lord Viscount Melville held and enjoyed the said office of Treasurer of His Majesty's Navy, under the said Letters Patent, from the said 19th day of August, 1782, until the 10th day of April, 1783:

And whereas by Letters Patent, bearing date the 5th day of January, 1784, His Majesty was graciously pleased again to give and grant unto the said Henry Lord Viscount Melville the said office of Treasurer of His Majesty's Navy, in the same terms as in the said former Letters-Patent of the 19th day of August, 1782; and upon a similar representation made or caused to be made by the said Henry Lord Viscount Melville, or otherwise made to His Majesty as that hereinbefore stated, His Majesty was graciously pleased, by warrant under His Royal Sign Manual, bearing date the 16th day of January, 1784, to augment the income of the said office of Treasurer of the Navy with an additional allowance of 2,324l. 6s. 6d. in order to make the annual income of the said office amount to the said sum of 4,000l. and which said income His Majesty was thereby graciously pleased to grant to the said Henry Lord Viscount Melville, clear of all deductions, in full satisfaction of all wages and fees, and other profits and emoluments theretofore enjoyed by former Treasurers of the Navy, and to secure and provide for the due payment thereof in like manner as in the said former warrant of the 23d day of October, 1782, is provided:

And whereas the said Henry Lord Viscount Melville, under and by virtue of the said last-mentioned Letters-Patent, held and enjoyed the said office of Treasurer of His Majesty's Navy, from the said 5th day of Jan. 1784, until the 31st day of May, 1800:

And whereas on the 17th day of February, 1785, the House of Commons ordered that leave should be given to bring in a bill for better regulating the office of the Treasurer of His Majesty's Navy, and that (together with other Members of the said House of Commons) Mr. Henry Dundas, now Lord Viscount Melville, should prepare and bring in the same; and, in pursuance of the said order, the said Henry Lord Viscount Melville, on the 29th day of April, 1785, did present to the House of Commons a Bill for better regulating the office of the Treasurer of His Majesty's Navy; and the said Bill having passed the House of Commons, was, in pursuance of an order of that House carried by the said Henry Lord Viscount Melville to the House of Lords; to which Bill he (in the name of the House of Commons) desired the concurrence of their Lordships:

And whereas the said Bill, in the 25th year of His Majesty's reign, passed into a law, intituled "An Act for better regulating the office of the Treasurer of His Majesty's Navy;"—The 1st, 3d, 4th and 5th Sections whereof are as follows:

1st Section, "Whereas it appears by the Reports made by the Commissioners appointed to examine, take, and state the public accounts of the kingdom, that regulations are necessary for better conducting the business in the department of the Treasurer of the Navy: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of July 1785, the Treasurer of his Majesty's Navy for the time being, in all Memorials to be by him presented to the Treasury for Money for Navy Services, shall pray that such sum as he requires may be issued to the Governor and Company of the Bank of England on his account, and shall transmit with each Memorial a Copy of the Letter or Letters from the Commissioners of the Navy, Victualling, and Sick and Hurt Boards, directing him to apply for such sum or sums; in which letter or letters the said Commissioners shall, and they are hereby required and directed to specify for what particular service or services the said money is wanted, and shall also state the balances then in the hands of the Treasurer of the Navy under each head of service respectively; and the Commissioners of His Majesty's Treasury for the time being, by their letter from time to time, shall direct the Auditor of the Exchequer to issue to the Governor and Company of the Bank of England, on account of the Treasurer of His Majesty's Navy, naming such Treasurer for the time being, the sum for which such letter shall be drawn upon the unsatisfied order at the Exchequer, in favour of the said Treasurer, for which the receipt of the Cashier or Cashiers of the said Governor and Company shall be a sufficient discharge; and all sums for which letters of the Commissioners of His Majesty's Treasury shall be drawn, shall be issued to the Governor and Company of the Bank of England in like manner as they have been heretofore issued to the Treasurer of His Majesty's Navy; and all such monies to be issued to the Governor and Company of the Bank of England shall be placed on an account or accounts to be raised in the books of the Governor and Company of the said Bank of England, and to be intituled, 'The Account of the Treasurer of His Majesty's Navy,' inserting the name of such Treasurer for the time being, for the pay-branch, cashier's branch, and the victualling-branch; and on receipt of all such monies at the Exchequer, the Treasurer of the Navy shall immediately certify to the Commissioners of the Navy an account of the whole receipt under the respective heads of service, and shall also certify to the Commissioners of the Victualling and Sick and Hurt Boards, the particular sums received and applicable to those services respectively."

3d Section.—"And be it further enacted, that from and after the 1st day of July, 1785, no money for the service of the Navy shall be issued from His Majesty's Exchequer to the Treasurer of the Navy, or shall be placed or directed to be placed in his hands or possession; but the same shall be issued and directed to be paid to the Governor and Company of the Bank of England, and to be placed to the accounts above-mentioned, according to the services for which it is craved and issued."

4th. Section.—"And be it enacted, that the Treasurer of His Majesty's Navy for the time being, by himself, or the person or persons in his office duly authorized by the said Treasurer, from and after the first day of July, 1785, shall draw upon the Governor and Company of the Bank of England for all Navy services whatever, and shall specify in each and every draft the head of service for which the same is drawn; and no draft of the said Treasurer, or the person or persons authorized as aforesaid, shall be deemed a sufficient voucher to the said Governor and Company of the Bank of England, unless the same specifies the head of service for which it is drawn, and has been actually paid by the said Governor and Company of the Bank of England."

5th Section.—"Provided always, that the monies to be issued unto the Governor and Company of the Bank of England, on account of the Treasurer of His Majesty's Navy, shall not be paid out of the Bank unless for Navy Services, and in pursuance of drafts to be drawn on the Governor and Company of the Bank of England, and signed by the Treasurer of His Majesty's Navy for the time being, or the person or persons authorized as aforesaid; in which drafts shall be specified the heads of service to which the sums therein mentioned are to be applied; and which drafts so drawn shall be sufficient authority to the Bank to pay such money to the persons mentioned in such drafts, or to the bearer of them."

And whereas the provisions contained in the said last-mentioned Act of Parliament, were thereby directed to take place on the 1st day of July, 1785: But the execution of the said Act, with respect to the said Henry Lord Viscount Melville, opening an account or accounts with the Governor and Company of the Bank of England, as thereby directed, was postponed by him until the 13th Day of January, 1786, when the said Henry Lord Viscount Melville opened an account with the Governor and Company of the Bank of England, intituled, "Right Hon. Henry Dundas, Act of Parliament New Account;" and which said account was continued by him until he quitted the said office on the 31st of May, 1800, and was the only account kept by the said Henry Lord Viscount Melville as Treasurer of His Majesty's Navy with the Governor and Company of the Bank of England, under and in pursuance of the said Act of Parliament for regulating his said office.

And whereas on the 10th day of January, 1786, whilst the said Henry Lord Viscount Melville held and enjoyed the said office of Treasurer of His Majesty's Navy, he did constitute and appoint Alexander Trotter his Paymaster; and the said Henry Lord Viscount Melville did, on the said 10th day of January 1786, duly authorize and empower the said Alexander Trotter to draw on the Governor and Company of the Bank of England, for and upon the account of him the said Henry Lord Viscount Melville as Treasurer of His Majesty's Navy, all and every sum or sums of money that then were or should thereafter be wanted for the Public Services, under the care of payment of the said Henry Lord Viscount Melville, the said Alexander Trotter being particularly careful to specify in each and every draft the service for which the money should be drawn.

And whereas it was the duty of the said Henry Lord Viscount Melville, during all the time he held and enjoyed the said office of Treasurer of His Majesty's Navy, to abstain from applying himself, and to prevent all persons acting under him from applying, any part of the money issued from His Majesty's Exchequer for Navy Services to any purposes of advantage or interest to himself or themselves, either directly or indirectly, or to any other purposes than for Naval Services, and from deriving any profit or emolument therefrom: and from and after the passing of the said act of parliament of the 25th year of His Majesty's reign, for better regulating the office of the Treasurer of His Majesty's Navy, it was the duty of the said Lord Viscount Melville to observe and pursue the provisions and directions of the said act of parliament; yet the said Henry Lord Viscount Melville, not satisfied with the ample revenue so provided for him as aforesaid, nor regarding the duty of his high and important office, or the express provisions of the said act of parliament, did, whilst he so held and enjoyed the said office, act and conduct himself fraudulently, corruptly, and illegally, in the several instances herein set forth.

FIRST ARTICLE.—That the said Henry Lord Viscount Melville, whilst he held and enjoyed the said office of Treasurer of His Majesty's Navy, and previous to the said 10th day of January 1786, did take and receive from and out of the money impressed to him as Treasurer of His Majesty's Navy, from His Majesty's Exchequer, the sum of 10,000l. or some other large sum or sums of money, and did fraudulently and illegally convert and apply the same to his own use, or to some other corrupt and illegal purposes, and to other purposes than those of the Public Navy Services of the kingdom, to which alone the same was lawfully applicable; and did continue such fraudulent and illegal conversion and application of the said sum or sums of money after the passing of the said act of parliament for the better regulating the office of the Treasurer of His Majesty's Navy. And the said Henry Lord Viscount Melville has declared that he never would reveal the application of the said sum of 10,000*l.* and in particular he did make such declaration in the House of Commons, on the 11th day of June, 1805; and then and there added, that he felt himself bound by motives of public duty, as well as private honour and personal convenience, to conceal the same; all which conduct of the said Henry Lord Viscount Melville was contrary to the duty of his said office, a breach of the high trust reposed in him, and a violation of the laws and statutes of this realm.

SECOND ARTICLE.—That the said Henry Lord Viscount Melville, disregarding the duties of his said office, and in breach and violation of the said act of parliament for better regulating the same, did, after the passing of the said act, and whilst the said Henry Lord Viscount Melville continued to hold and enjoy the said office, connive at, and permit and suffer the said Alexander Trotter, under and by virtue of the said authority so given to him by the said Henry Lord Viscount Melville as aforesaid, illegally to draw, receive, and take from the Governor and Company of the Bank of England, for other purposes than for immediate application to Navy Services, large sums of money from and out of the monies before then issued unto the said Governor and Company of the Bank of England, on account of the said Henry Lord Viscount Melville, as Treasurer of His Majesty's Navy: and the said Henry Lord Viscount Melville did connive at, and permit and suffer the said Alexander Trotter to place the said last-mentioned sums of money, or a great part thereof, so illegally drawn, received, and taken by him from the Governor and Company of the Bank of England as aforesaid, in the hands of Messrs. Thomas Coutts and Company, the private bankers of the said Alexander Trotter, in his own name, and subject to his sole controul and disposition: all which conduct of the said Henry Lord Viscount Melville was contrary to the duty of his said office, a breach of the high trust reposed in him, and a violation of the laws and statutes of the realm.

THIRD ARTICLE.—That after the passing

of the said act of parliament for better regulating the Office of the Treasurer of His Majesty's Navy, and after the said 10th day of January 1786, and whilst the said Henry Lord Viscount Melville held and enjoyed the said office, large sums of money were, from time to time, issued and paid to the Governor and Company of the Bank of England, and placed on an account raised in the books of the said Governor and Company with the said Henry Lord Viscount Melville, intituled, "Right Hon. Henry Dundas, Act of Parliament New Account:" And the said Alexander Trotter, under and by virtue of the said authority from the said Henry Lord Viscount Melville, did, from the said 10th day of January 1786, during all the time the said Henry Lord Viscount Melville afterwards continued to hold and enjoy the said office of Treasurer of His Majesty's Navy, draw upon the said Governor and Company of the Bank of England for and on account of the monies so issued and paid to them, and placed to the said account so raised in their books, with the said Henry Lord Viscount Melville, as such Treasurer as aforesaid: and the said Alexander Trotter did receive and take large sums of money so drawn by him from the said Governor and Company of the Bank of England as aforesaid:

That the said Henry Lord Viscount Melville did, after the said 10th day of January 1786, fraudulently and illegally permit and suffer the said Alexander Trotter to place many of the said sums of money so drawn, received, and taken by him from the Governor and Company of the Bank of England as aforesaid, in the hands of Messrs. Thomas Coutts and Company, the private bankers of the said Alexander Trotter, in his own name and at his own disposal: and the said Alexander Trotter did thereupon, with the privity, by the connivance, and with the permission of the said Henry Lord Viscount Melville, apply and use the said last-mentioned sums of money, or great part thereof, for purposes of private advantage or interest, profit and emolument; and did place the said sums of money, or a great part thereof, in the hands of the said Messrs. Coutts and Company, mixed with and undistinguished from the proper monies of the said Alexander Trotter, whereby the said last-mentioned sums of money were not only applied to and used for purposes of private advantage or interest, profit and emolument, and for purposes other than Navy Services, but were also exposed to great risk of loss, and were withdrawn from the controul and disposition of the Treasurer of His Majesty's Navy: and the said Henry Lord Viscount Melville, by so conniving at and permitting and suffering the public money to be withdrawn from the Bank of England, and used and applied in manner aforesaid, acted in breach of the great trust and confidence reposed in him, in violation of the said act of parliament made for regulating his said office, contrary to his duty, and against the laws of this realm, and to the evil example of all persons entrusted in the great departments of the public service, with controul over the application and expenditure of the public money.

FOURTH ARTICLE.—That after the said 10th day of January 1786, and whilst the said Henry Lord Viscount Melville held and enjoyed the said office of Treasurer of His Majesty's Navy, he the said Henry Lord Viscount Melville did fraudulently and illegally, for the purpose of advantage or interest to himself, or for acquiring or obtaining profit or emolument therefrom, or for some other corrupt and illegal purposes, and for purposes other than Navy services, take and receive from the Public money placed in his name at the Bank of England, as Treasurer of His Majesty's Navy, the sum of 10,000l. or some other large sum or sums of money, and did fraudulently and illegally convert and apply the same to his own use, or to some other corrupt and illegal purposes:

That during the time the said Alexander Trotter held and enjoyed the said office of Paymaster to the said Henry Lord Viscount Melville as aforesaid, and whilst the said Henry Lord Viscount Melville held and enjoyed the said office of Treasurer of His Majesty's Navy as aforesaid, he the said Alexander Trotter kept with the said Henry Lord Viscount Melville an account current, entered in certain books of account, containing entries of all the sums paid and received by the said Alexander Trotter on the account of the said Henry Lord Viscount Melville, and by agreement between the said Henry Lord Viscount Melville and the said Alexander Trotter, bearing date the 18th and 23d days of February 1803, it is stated that they had either mutually delivered up to each other, or resolved and agreed mutually to cancel or destroy, all the vouchers or other memorandums and writings that at any time theretofore might have existed, passed, or been interchanged between them relative to the said accounts, and the different items and articles of which the said accounts were composed or consisted; and the said books of account containing the said account current, together with all vouchers or other memorandums and writings in the possession of the said Alexander Trotter, and also of the said Henry Lord Viscount Melville relative thereto, were burnt and destroyed by the said Henry Lord Viscount Melville and Alexander Trotter: and the said stipulation contained in the said agreement for the said Henry Lord Viscount Melville and Alexander Trotter mutually delivering up to each other, or for mutually cancelling and destroying all the said vouchers or other memorandums or writings relative to the said account, was so entered into; and the said books of accounts, vouchers, memorandums, and writings, were so burnt and destroyed, with a view to conceal and prevent the discovery of the several advances of money made by the said Alexander Trotter to the said Henry Lord Viscount Melville, and of the several accounts or considerations for, or upon which the same were so advanced: all which conduct of the said Henry Lord Viscount Melville was contrary to the duty of his said office, a breach of the high trust reposed in him, and a violation of the laws and statutes of this realm, and to the like evil example as aforesaid.

FIFTH ARTICLE.—That after the said 10th day of January, 1786, and whilst the said Alexander Trotter so continued the Paymaster of the said Henry Lord Viscount Melville as aforesaid, and with such privity, connivance, and permission as aforesaid, so applied and used the said sums of money, or great part thereof, for purposes of private advantage, profit, and emolument, as aforesaid, the said Henry Lord Viscount Melville fraudulently concealing the illegal use and application of the same, did procure, obtain, and receive from the said Alexander Trotter, advances of several large sums of money, which were made to him the said Henry Lord Viscount Melville by the said Alexander Trotter, in part from money so as aforesaid illegally drawn by him the said Alexander Trotter from the Governor and Company of the Bank of England, and in part from sums of money so placed by the said Alexander Trotter in the hands of the said Messrs. Coutts and Company as aforesaid, when mixed with and undistinguished from the proper monies of the said Alexander Trotter: and for the purpose of more effectually concealing the said advances of money, the said books of account, vouchers, memorandums, and writings, were so as aforesaid burnt and destroyed.

SIXTH ARTICLE.—That amongst other advances of money so as aforesaid obtained and received by the said Henry Lord Viscount Melville, from the said Alexander Trotter, the said Henry Lord Viscount Melville did procure, obtain, and receive from the said Alexander Trotter, a sum of 22,000l. or some other large sum or sums of money, advanced by the said Alexander Trotter to the said Henry Lord Viscount Melville, without interest; part whereof was so advanced exclusively from public money so as aforesaid illegally drawn from the Governor and Company of the Bank of England by the said Alexander Trotter; and other part whereof was advanced from the said mixed fund, composed as well of public money so as aforesaid illegally drawn by the said Alexander Trotter from the Governor and Company of the Bank of England, and placed by him in the hands of the said Messrs. Coutts and Company as aforesaid, as of the proper monies of the said Alexander Trotter in the hands of the said Messrs. Coutts and Company, which had been mixed therewith, and remained undistinguished therefrom: and for the purpose of more effectually concealing the said advances of money, the said books of account, vouchers, memorandums, and writings were so as aforesaid burnt and destroyed.

SEVENTH ARTICLE.—That amongst other advances of money so as aforesaid obtained and received by the said Henry Lord Viscount Melville from the said Alexander Trotter, the said Henry Lord Viscount Melville did obtain and receive a sum of 22,000l. or some other large sum or sums of money advanced to him by the said Alexander Trotter, and for which it has been alledged by the said Henry Lord Viscount Melville, that he was to pay interest: and for the purpose of more effectually concealing the said last-mentioned advances of money, the said books of accounts, vouchers, memorandums, and writings, were so as aforesaid burnt and destroyed.

EIGHTH ARTICLE.—That during all or great part of the time the said Alexander Trotter held and enjoyed the said office of Paymaster to the said Henry Lord Viscount Melville as aforesaid, and the said Henry Lord Viscount Melville held and enjoyed the said office of Treasurer of His Majesty's Navy as aforesaid, he the said Alexander Trotter did gratuitously, and without salary or other pecuniary compensation, act in and transact the private business of the said Henry Lord Viscount Melville, as his agent, and was from time to time in advance for the said Henry Lord Viscount Melville in that respect to the amount of from 10,000l. to 20,000l. or to some other great amount: and which advances were taken from the said sums of money so placed by the said Alexander Trotter in the hands of the said Messrs. Coutts and Company, consisting in part of Public Money, drawn by him from the Governor and Company of the Bank of England as aforesaid, and in part of his own private monies mixed therewith, and undistinguished therefrom as aforesaid: by means whereof the said Henry Lord Viscount Melville did derive benefit and advantage from the aforesaid illegal acts of the said Alexander Trotter.

And the said Alexander Trotter did so gratuitously, and without salary, act in and transact the private business of the said Henry Lord Viscount Melville, and make him such advances of money as aforesaid, in consideration of the said Henry Lord Viscount Melville conniving at and permitting and suffering the said Alexander Trotter so as aforesaid to apply and make use of the said sums of Public Money so drawn by him from the Bank of England, and applied and appropriated for purposes of private advantage, or interest, profit and emolument as aforesaid: and the said Alexander Trotter would not have been, and was well known to the said Henry Lord Viscount Melville not to have been able to make such advances of money to the said Henry Lord Viscount Melville as aforesaid, otherwise than from and by means of the said sums of Public Money so drawn by the said Alexander Trotter from the Bank of England, with the privity, connivance, and permission of the said Henry Lord Viscount Melville as aforesaid, and applied by the said Alexander Trotter for purposes of private advantage, interest, profit, and emolument. All which proceedings and conduct of the said Henry Lord Viscount Melville were contrary to the duty of his said office, in breach of the great trust reposed in him, and in gross violation of the laws and statutes of this realm. And by all and every one of the aforesaid acts done and committed by him the said Henry Lord Viscount Melville, he was and is guilty of high crimes and misdemeanors.

[TROTTER'S INDEMNITY BILL.]—On the third reading of the bill to indemnify all persons for the evidence they may give on the Impeachment of lord Melville,

Mr. *Whitbread* said, that as Mr. Trotter must necessarily be a very material evidence in this case, on account of the many transactions which were only known between him and lord Melville, he had a clause to move, for making his exoneration more comprehensive than was first intended. Several great and eminent lawyers, he said, held the opinion, that, notwithstanding any Civil Process against him, Mr. Trotter could not refuse, but may be compelled to answer any questions that may be demanded of him on a Criminal Prosecution.—But, as there were other lawyers of considerable authority, who maintained a contrary opinion, he wished to obviate any difficulty that may occur—and, in doing so, he made no doubt of being supported by an hon. gentleman opposite to him (Mr. R. Dundas, son of lord Melville), who had shewn a moderation and temper, throughout the whole of these proceedings, which entitled him to his respect, and to every consideration from the house. The clause he had to propose was as follows: "that any evidence which Mr. Trotter might have given before the Committee of the House of Commons, or may hereafter give in the Impeachment against lord viscount Melville, should not be brought against him in any Civil Suit instituted by the Attorney-General, by order of this house."

Sir *W. Elford* did not think that the clause proposed was sufficient for its object. It could not relieve Mr. Trotter from all embarrassment in the delivery of his testimony; for though it would prevent its being brought as evidence against him in a civil process, it might make a very unfavourable impression on the minds of some of those who might have afterwards to decide upon his conduct as a jury. There was a great diversity of opinions between lawyers on this subject, and he begged leave to read one, of a gentleman of considerable eminence, Mr. Dancey, which held, that in criminal and civil cases, in the situation of a witness, in neither case could he be compelled to give evidence which might criminate himself. That opinion also referred to Mr. Peake's book for authority, and cases to support that doctrine. He admitted, that he was one of those, who did not think this a subject of any prosecution—but, as the resolutions of the house remained yet unrescinded, and as the object of every man must be, that the ends of substantial justice should be obtained, the witnesses ought to be relieved from any sort of embarrassment, that they might have no hesitation in freely answering such questions as may be put to them on their cross-examination by his lordship's counsel. Hitherto the civil process against Mr. Trotter had only been suspended, and might, by their vote, be renewed again; but, in order to put him in a situation of protection against all consequences of his evidence, he thought it right that the civil suit should be given up altogether.

Mr. *Whitbread* replied, that if the hon. gentleman would propose a clause to the effect he mentioned, it would be for the house to decide whether they would adopt it or not.

Mr. *Rose* observed, that though by Mr. Whitbread's clause, Trotter's evidence on the impeachment could not be produced against him, yet it might afford subject of inquiry to the attorney-general; which would lead to the production of other evidence that might equally affect him.

Mr. *S. Bourne* argued, that, notwithstanding this indemnity against any civil process, yet it could not protect him against an indictment for perjury if he should contradict any part of his former evidence.

Mr. Serjeant *Best* did not consider this as affording a favour to Mr. Trotter, whom he did not think entitled to any, but as meant to render him a more competent and better evidence than he otherwise might be. The clause provided, that any evidence he may give should not afterwards be brought against him; but as it was never meant to place him in a situation of complete comfort, it was sufficient to protect him against the effects of his own evidence, and he deserved nothing more, nor any peculiar indulgence whatever.

Mr. *S. Bourne* explained, that Trotter's evidence might possibly afford matter of inquiry to the attorney-general, which would afterwards operate against him.

Mr. *Robert Dundas* (son of lord Melville) did not wish to give any opinion as to the clause. All he asked of the house was, that if Mr. Trotter's evidence was to be taken at all, it should be taken in such a manner that he should be freed from all sort of apprehension and embarrassment. Without this, the evidence could not have its proper weight. All he asked was, that it should be complete.

Mr. *Whitbread* said, his wish was to put the witness in such a situation, that as little bias as possible might exist. This clause was drawn up by an able lawyer, who did not think it sufficient to answer the purpose. It was impossible to satisfy all the lawyers.

Mr. *Alexander* did not wish to do away the vote of the house on this case, but he wished that the third reading of the bill should be postponed till the house had time to examine and consider the articles of impeachment. This would be more consistent with the dignity of their proceedings.

The *Chancellor of the Exchequer* had no objection to the third reading of the bill on this day, if it could be done consistently with justice, but the house must be aware that the full benefit of Mr. Trotter's evidence could not be obtained, if he was still liable to any civil prosecution. His evidence must furnish materials, from which the law officers would frame their proceedings against him. It was delusive to any individual to say, that his own evidence would not be taken against him; while it was certain, that it would furnish grounds for questions to which he could not demur. This was so simple, that the force of it must instantly be perceived. The evidence could not be fully procured without stopping all civil prosecution. No man could doubt that it was the intention of the house to drop the civil suit as far as lord Melville was concerned, and the object could not be attained without stopping that against Mr. Trotter also. Some distant proposition ought, therefore, to be brought forward for discontinuing the civil process altogether.

Mr. *Whitbread* said, that if such a proposition was brought forward, he was not inclined to oppose it.

Mr. *Charles Wynne* said, that he had no intention to oppose the proposition, though it did not apppear to him absolutely necessary.

Sir *William Burroughs* thought it was necessary to go farther than had as yet been proposed. The mere stopping of the suit would not be sufficient, for his majesty might order one to be carried on notwithstanding this. It would, therefore, be necessary, in order to remove all bias, to enact, that no civil action should be instituted.—After a few words from Mr. Wilberforce, who agreed in the propriety of the proposition, Mr. Whitbread consented to withdraw his clause, under the impression that the hon. baronet (sir W. Elford) would to-morrow bring forward such a clause as would answer his intention.

[Financial Propositions.] Mr. *Johnstone* presented, without any comment, the following Financial Propositions. After the house had agreed to the first Proposition, the debate, on the motion of Mr. Huskisson, was adjourned to Tuesday next.

1. That the total amount of the public funded debt of Great Britain was, on the 1st February 1803, 567,008,978*l.*;—of which 67,255,915*l.* had been purchased by the commissioners for the reduction of the national debt, and 19,180,587*l.* had been transferred to them on account of land tax redeemed; leaving a funded debt unredeemed of 480,572,476:—and, that the amount of annuities charged on Great Britain (after deducting what have fallen in) was, on the

1st February, in short annuities and for lives, 539,979*l.*; and in long annuities 1,015,410*l.*

2. That the total amount of public funded debt created in Great Britain for account of Ireland was, on the 1st February 1803, 22,348,000*l.*;—of which there had been purchased by the commissioners for the reduction of the national debt 1,123,415*l.*; leaving a funded debt unredeemed of 21,224,585*l.* together with long annuities to the amount of 9,791*l.*

3. That the total amount of public funded debt created in Great Britain for account of the emperor of Germany was, on the 1st February 1803, 7,502,633*l.*;—of which 375,137*l.* had been purchased by the commissioners for the reduction of the national debt; leaving a funded debt unredeemed of 7,127,496*l.* together with annuities to the amount of 230,000*l.* which will expire in 1819.

4. That the amount of the outstanding demands unprovided for on the 5th January 1803, exclusive of unfunded debt, and of the anticipation of certain duties annually voted, was, 592,630*l.*: that the deficiency of ways and means for the year 1802 was, 171,431*l.*;—making the amount of demands unprovided for on the 5th January 1803, 764,061*l.*

5. That the unfunded debt in exchequer bills unprovided for, or charged upon funds which proved insufficient, was, on the 5th Jan. 1803, 9,827,400*l.* including 3,000,000*l.* in the bank, which bear no interest, in consideration of the renewal of the charter.—That the unfunded debt in navy bills was, on the 5th January 1803, 3,105,648*l.*

6. That the total amount of the public funded debt of Great Britain was, on the 1st February 1805, 603,925,792*l.*;—of which 89,003,759*l.* had been purchased by the commissioners for the reduction of the national debt, and 21,794,307*l.* had been transferred to them on account of land tax redeemed, leaving a funded debt unredeemed of 493,128,726*l.* And that the amount of annuities charged on Great Britain (after deducting what have fallen in) was, on the 1st Feb. in short annuities and for lives, 509,353*l.* and in long annuities 1,047,494*l.* And that a further debt, amounting to 34,400,000*l.* capital stock, has been created by the sums borrowed in the present session of parliament, and 1,660,529*l.* by 5 per cent. annuities, created in 1797, subscribed into other funds.

7. That the total amount of the public funded debt, created in Great Britain for account of Ireland, was, on the 1st of Feb. 1805, 33,738,000*l.*;—of which there had been purchased by the commissioners for the reduction of the national debt, 2,175,099*l.* leaving a funded debt of 31,562,901*l.* together with long annuities, to the amount of 16,208*l.* And that a further debt amounting to 4,660,000*l.* capital stock, and to 75,000*l.* per annum in long annuities, has been created by sums borrowed in the present session in Great Britain on account of Ireland.

8. That the total amount of public funded debt created in Great Britain, for account of the emperor of Germany, was, on the 1st February 1805, 7,502,633*l.*;—of which 550,228*l.* had been purchased by the commissioners for the reduction of the national debt, leaving a funded debt of 6,952,405*l.* together with annuities to the amount of 230,000*l.* which will expire in 1819.

9. That the amount of outstanding demands unprovided for on the 5th January 1805, exclusive of unfunded debt, and of the anticipation of certain duties annually voted, was 1,817,863*l.*: that the surplus of ways and means for the year 1804, was 1,192,115*l.*; reducing the amount of demands unprovided for on the 5th January 1805, to 625,748*l.*;—the whole of which has been paid off or provided for in the present session.

10. That on the 5th January 1805, there were 3,375,488*l.* in exchequer bills, charged upon the aids of 1804, to the discharge of which the aids of 1804 were insufficient; 12,000,000*l.* charged on the aids of 1805; and 3,000,000*l.* payable in 1806, which are with the bank, and bear no interest in consideration of the renewal of the charter; making a total of exchequer bills unprovided for, of 18,375,488*l.*;—of which sum 3,375,488*l.* has been paid off or provided for in the present session.—That the unfunded debt in navy bills was, on the 5th January 1805, 5,001,567*l.*

11. That the variations in the state of the public debt between the 5th January 1803 and the 5th January 1806, being three years of war, may be estimated as follow:

The public funded debt of Great Britain unredeemed, which on the 1st Feb. 1803 was 480,572,476*l.* will amount to 516,689,255*l.* after deducting 12,500,000*l.* for the operation of the sinking fund during the current year; being an increase of capital stock of - - - £.36,116,779.

The public funded debt created in Great Britain for account of Ireland unredeemed, which, on the 1st Feb. 1803 was 21,224,585*l.* will amount to 35,562,901*l.* after deducting 750,000*l.* for the operation of the sinking fund during the current year; being an increase of capital stock of - - - - £.14,338,316.

The long annuities of Great Britain, which, on the 1st February 1803, were 1,015,410*l.* will amount to 1,047,494*l.*; being an increase of annual charge of - - - - 32,084.

The long annuities created in Great Britain for account of Ireland, which, on the 1st February 1803, were 9,791*l.* will amount to 91,207*l.*; being an increase of annual charge of - 81,416.

The unfunded debt in exchequer bills, which, on the 1st February 1803, was 9,827,400*l.* will amount to 15,000,000*l.* being an increase of 5,172,600.

The unfunded debt in navy bills, which, on the 1st Feb. 1803, was 3,105,648*l.* will amount to 5,001,567*l.*; being an increase of - - - - - 1,895,919.

The funded debt created in Great Britain for account of the emperor of Germany unredeemed, which, on the 1st. Feb. 1803, was 7,127,496*l.* will be reduced to 6,852,405*l.* after deducting 100,000*l.* for the operation of the sinking fund during the current year; being a diminution of capital stock of - - 275,091.

The short annuities of Great Britain, which, on the 1st February, were 539,979*l.* will be reduced to 486,099*l.*; being a diminution of annual charge of - - - - 53,880.

The outstanding demands unprovided for, which, on the 1st February 1803, were 764,061*l.* will be reduced to 625,748*l.*; being a diminution of - - - - - 138,313.

The sum applicable to the redemption of debt,—which, on the 1st Feb. 1803 was, for the debt of Great Britain, 5,834,986*l.*; for debt created in Great Britain for account of Ireland, 258,434*l.*; for debt created in Great Britain for account of the emperor of Germany, 47,947*l.*; making a total of 6,141,367*l.*;—will amount to 7,599,172*l.* for the debt of Great Britain; 473,612*l.* for the debt created in Great Britain for account of Ireland; 56,199*l.* for the debt created in Great Britain for account of the emperor of Germany;—making a total of 8,128,983*l.*; being an increase of - - - - 1,987,616.

12. That the annual charge on account of the public funded debt of Great Britain, after deducting the interest and the charges of management on stock transferred to the commissioners for the reduction of the national debt, for the redemption of the land tax, was, on

the 1st Feb. 1803 - £.23,510 967;
1st Feb. 1804 - 24,110,475;
1st Feb. 1805 - 24,928,336:—

And that a further charge has been incurred on account of the sums borrowed in the present session, and by 5*l.* per cent. annuities subscribed into other funds, amounting to - - - 1,430,901.

13. That the sum annually applicable to the reduction of the national debt of Great Britain, in pursuance of the several acts relating thereto, was, on the 1st February 1803, 5,834,986*l.*; being about 1/82nd part of the unredeemed debt existing on that day; on the 1st February 1804, 6,311,626; being about 1/77th part of the unredeemed debt existing on that day; on the 1st February 1805, 6,835,625*l.* being about 1/72nd part of the unredeemed debt existing on that day.

14. That the net produce of the permanent taxes, existing on the 5th Jan. 1803, was 28,246,681*l.* including 1,957,340*l.* for taxes imposed in the year 1802; on the 5th Jan. 1804, 30,754,724*l.* including 4,584,445*l.* for taxes imposed in 1802; and, on the 5th of January 1805, 28,555,634*l.* including 76,689*l.* for the purchase of legal quays.

15. That the net produce of the war taxes was, in the year ending 5th of April 1804,

	£.
Customs and Excise - -	3,377,442
Property Tax - -	363,877
	3,741,319
5 April 1805, Customs and Excise	7,868,078
Property Tax - - -	3,919,108
	11,787,186

16. That the official value of all imports into Great Britain, in the year ending the 5th January 1803, was 31,442,318*l.*; and on an average of six years, ending the 5th January 1803, was 28,419,626*l.*

That the official value of all imports into Great Britain, in the year ending the 5th January 1805, supposing the imports from the East Indies (of which no account has yet been made up) to be the same as in the preceding year, was 30,342,047*l.* and on an average of six years, ending the 5th January 1805, was 29,996,736*l.*

17. That the official value of British manufactures, exported from Great Britain in the year ending 5th January 1803, was 26,993,129*l.*; and on an average of six

years, ending the 5th of January 1803, was 22,942,800*l.*

That the official value of British manufactures exported from Great Britain in the year ending the 5th of January 1805, was 23,934,291*l.*; and on average of six years, ending the 5th of January 1805, was 24,544 625*l.*

And that the real value of British manufactures, exported in the year ending 5th of Jan. 1803, may be estimated at 48,500,683*l.*; and in the year ending the 5th Jan. 1805, at 40,349,642*l.*

18. That the official value of foreign merchandize exported from Great Britain in the year ending the 5th January 1803, after deducting the excess arising from the valuation of coffee, was 14,418,837*l.* and on an average of six years, ending the 5th Jan. 1803, was 11,651,333*l.*

That the official value of foreign merchandize exported from Great Britain in the year ending the 5th January 1803, after deducting the excess arising from the valuation of coffee, was 10,515,574*l.* and on an average of six years, ending the 5th January 1805, was 11,619,987*l.*

19. That in the year ending 5th January 1803, the number of British vessels entered inwards in Great Britain, was 13,622*l.*; their tonnage 1,793,333; and the number of men employed in them 108,669:—that the number of British vessels cleared outwards, was 13,012; their tonnage 1,625,966; and the number of men employed in them 102,427:

That in the year ending the 5th Jan. 1803, the number of foreign vessels entered inwards in Great Britain, was 3,733; their tonnage 480,241; and the number of men employed in them 27,737:—and that the number of foreign vessels cleared outwards was 3,352; their tonnage 461,823; and the number of men employed in them 26,749.

20. That in the year ending the 5th Jan. 1805, the number of British ships entered inwards in Great Britain, was 10,508; their tonnage 1,395,387; and the number of men employed to navigate them 82,970:—That the number of British ships cleared outwards, was 11,131; their tonnage 1,463,286; and the number of men employed to navigate them 93,748.

That in the year ending 5th January 1805, the number of foreign ships entered inwards in Great Britain, was 4,271; their tonnage 607,299; and the number of men employed in them 30,744:—That the number of foreign ships cleared outwards, was 4,093; their tonnage 587,849; and the number of men employed in them 30,507.

21. That the number of British ships built and registered in the several ports of the British empire, in the year - - -

Ending		Number.		Tonnage.
5 Jan. 1803,	was	1,281	-	137,508;
5 Jan. 1804	-	1,402	-	135,349;
5 Jan. 1805	-	940	-	92,091.

22. That the total sum to be raised in Great Britain, within the year 1805, may be estimated as follows:

			£.
Interest on public funded debt, charges of management, sinking fund, on the 5th Feb. 1805 -			24,928,336
Interest, charges of management, &c. to be paid between the 5th February 1805 and 5th January 1806, on stock created by loans of the present session to the amount of 34,400,000*l.* and on increase of stock by re-payment of loyalty - - -			1,430,901
Interest on exchequer bills, the amount issued and bearing interest exceeding 20,000,000*l.* -			1,000,000
Civil government of Scotland, pensions on revenue, militia and deserters warrants, bounties for promoting fisheries, &c. estimated to be the same as in the year ending the 5th Jan. 1805			930,336
Charges of collecting and management of the revenue, estimated to be the same as in the year ending 5th Jan. 1805 -			2,135,176
Proportion to be defrayed by Great Britain, of the civil list and other charges on the consolidated fund of Great Britain (the charges on the consolidated fund of Ireland, which is likewise a joint charge, being included in the supplies) 15/17ths of 1,366,851*l.* - - -			1,206,045
Supplies voted in 1805 for Great Brit. exclusively		£. 4.534,000	
Supplies voted in 1805 for Great Britain and Ireland			
Navy -	£.14,645,630		
Army - -	18,580,124		
Ordnance -	4,846,994		
Miscellaneous	1,619,781		
Foreign Subs.	3,500,000		
	£.43,192,529		
Deduct the proportion of charge to be borne by Ireland, 2/17ths	5,081,474	38,111,055	
			42,645,055
Interest for loans to the Emp. of Germany			497,528
Making in the whole the sum of			£.74,773,377

There has also been borrowed in Great Britain, for the service of Ireland, 4,000,000*l.*; and 5,246,506*l.* will be levied parochially for the maintenance of the poor, estimating the sum required for this purpose to be the same as was required in the year ending Easter 1803.

23. That the funds applicable to discharge the sum required to be provided by Great Britain for the year 1805, may be estimated as follow:

The gross receipt of the permanent revenue, hereditary revenue, Imperial monies repaid, (after deducting the re-payment of over entries, drawbacks, &c.) estimated to produce the same as on an average of three years, ending 5th January 1805 - -	34,065,512
Estimated produce to the 5th January 1806, of the permanent taxes imposed in the present session - - - - -	1,200,000
Malt and personal estates -	2,750,000
Lottery, after deducting the proportion of Ireland - -	300,000
War taxes, estimated to produce to the 5th April 1806 -	14,500,000
Surplus of ways and means for the year 1804 - - -	1,192,115
Loan - - - -	20,000,000
	£.74,007,627.

There has likewise been a loan of 4,000,000*l.* for the service of Ireland; and 5,246,506*l.* will be levied parochially for the maintenance of the poor, estimating the sum required for this purpose to be the same as was required in the year ending Easter 1803.

HOUSE OF LORDS.

Friday, July 5.

[MINUTES.] Counsel was heard at considerable length relative to the Scots' Appeal, James Campbell and others, *v.* John Mc Nair.—Mr. Alexander brought up a message from the Commons, stating, that they had received their Lordships' Message, desiring, that a copy of the evidence upon which they had passed a Bill for settling and securing an annuity on John, now Duke of Atholl, &c. and the Heirs general of the Seventh Earl of Derby; but, conceiving, that it had been the practice of that house not to communicate the evidence upon which they passed Bills of that kind to the House of Lords; they think this notification a sufficient answer at this time to their Lordships' message.—A few bills were afterwards brought up by Mr. Alexander, which were read a first time.—The Bishop of St. Asaph presented a petition from certain persons against particular clauses in the Camberwell Water Works bill; as did Lord Walsingham one from certain other persons in favour of the measures, both which petitions were referred to the committe on the bill.—The bills upon the table were forwarded in their several stages.—On the motion of lord Hawkesbury, the committee upon the Custom House Fees Regulation bill was postponed until this day three months. The bill is of course lost for the session.—Mr. Plomer was heard in the committee, upon the Smuggling Prevention bill, as counsel for the Jersey and Guernsey petitioners against the bill. The further hearing of counsel was deferred till to-morrow.—Trotter's Indemnity bill, the Irish Sugar Drawback Duties, the Paper Duty bill, the Irish Spirits Warehousing, and the Plate Glass Duty bills, and several others, were received from the Commons, and severally read a first time. On the occasion of the reading of Trotter's Indemnity bill, the Lord Chancellor observed that the bill was of that nature as required the most serious consideration of the house, and that it was necessary they should have information as to the grounds upon which such a bill proceeded, before they could think of passing it.

[CASE OF COLONEL COCHRANE JOHNSTONE.] The Earl of *Suffolk* rose and spoke as follows.—My lords; I cannot allow the present session of parliament to close without calling the attention of this house to a subject immediately connected with the honour of the profession to which I belong, and which, from its great importance, has of late engaged much of the public attention. I allude to the recent case of the honourable Mr. Cochrane Johnstone, who according to the information I have received, was on a mere rumour of intended accusation, passed over in a general brevet promotion, when as a colonel in the army, he was entitled to the rank of major general; and who having since been brought to trial on charges by an inferior officer, and honourably acquitted by a general court martial, has been driven to the necessity, in consequence of his rank being still withheld, of quitting the army. If my information thus far is correct, I believe every noble lord who hears me will be of opinion, that the respectable officer, to whom I have alluded, has suffered injustice, and that the interest of his majesty's service concurs with the claims of the party injured, in demanding redress.—I have further to state to your lordship, that I understand the act of apparent injustice complained of, was one of an assumed power by the Judge Advocate General, which the constitution of England does not recognize, and which is sanctioned by no precedent or practice unless of a very recent date. Your lordships know that his majesty is invested with competent authority to dismiss any officer from his service, without a court-martial; and, I should be the last man in his dominions to question the legality of such exercise of the royal prerogative. But your lordships also well know, that in no case is it understood that this right of the crown can be exerted wantonly, capriciously, or oppressively; and, therefore, where any instance of this nature occurs, substantial justice requires that there should be an accredited adviser of the crown, responsible for the consequences. But the constitution knows no such adviser of the crown, as the judge advocate, upon whom such responsibility attaches. And, I believe, it will be found that, till within a very short time past, the sentences of courts martial were communicated to his majesty, exclusively, by the secretary at war, who is a responsible officer.—I refrain from going more at length into the circumstances of the case. I have mentioned, my chief source of information at present, being public report alone. But, I can state precisely to your lordships what came under my personal observation, at a general court martial where I was a material evidence. I mean the case of major general Burton, the circumstances of which were extremely remarkable. The prominent features were these. On the first day of the trial, after examining whatever evidence the prosecutor could produce, the accusation was perceived not to be substantiated. The proof in support of the prosecution was closed. And had the court then proceeded to give their decision, the prisoner must have been acquitted. I am safe in venturing to add, that the wishes of the honourable members were, that such had been the event. On the day following, by the advice of the judge advocate, fresh evidence was produced, consisting of a letter written by general Burton to the commander in chief in extenuation of his conduct, and containing a fair and manly acknowledgment of the charge. With respect to such a mode of obtaining such an evidence, such an application of a private letter, I shall make no observation. I have simply mentioned the fact upon the ground of the charge being proved by the letter under the prisoner's own hand, the court martial pronounced their sentence, adjudging general Burton to be cashiered. But, in consequence of the many illustrious and honourable testimonies borne to general Burton's highly meritorious military conduct, and to the esteemed worth and amiable virtues of his private character through life, the court martial transmitted so strong a recommendation to the clemency of that character, whose benignity even outshines the splendour of his rank, that though the sentence of the court was approved of as conformable to law, general Burton was immediately reinstated in his rank in the army, as well as in the command he held previous to his trial.—My lords, I have thought it proper to state generally, this singular case which occurred only a short time prior to that of colonel Cochrane Johnstone, which has been distinguished by the still more alarming circumstances in the conduct of the judge advocate that now induces me to address your lordships with relation to what I must consider as a great constitutional question. This last case, from all I have heard, demonstrates of what vast importance it is to the state, and to the service in particular, that the powers of courts-martial, as well as the authority and duties of every officer concerned in their proceedings, should be clearly marked and defined. The importance of the subject indeed is such, that I trust his majesty's ministers will consider it as meriting their most serious attention, and their consideration of the best means of applying an effectual remedy to the abuse which appears to have crept of late years into the judge advocate's department, Should they not be inclined to bring forward the business, I certainly shall, and at an early period of the ensuing session of parliament. The object of the motion which, in that case, I shall have the honour of submitting to this house, will be two-fold: 1st. To vindicate the rights of parties, tried by courts-martial, more particularly the just and undoubted claim of right vested in colonel Johnstone, by virtue of the decision of his court-martial, under the existing military laws; 2dly. To define the constitutional establishment of courts-martial, and to regulate and ascertain the legal effect of their decisions in future.

[Duke of Atholl's Claim.—The *Lord Chancellor* called the attention of their lordships to the above proceeding. He described the nature of the bill to which it referred, and the import of the message sent by the commons, which was, that they conceived it was not the practice or the usage of parliament to communicate the evidence upon which they passed bills of the kind.

The best mode which, at the moment, presented itself for forming an opinion upon the point, was analogy. In that point of view, it was in their lordships' recollection, that no later than ten days ago, when a bill was sent up to indemnify two persons, one a member of their lordships' house, for applying naval money to purposes not naval; a bill clearly relating to public monies—that the commons, on being required, thought proper to transmit the evidence without any objection, and this furnished a precedent of not ten days old. The proceedings relative to the bill of 1786, vesting certain monies in commissioners for the reduction of the national debt, was also worthy of consideration. A message was then sent to know upon what information the commons had passed the bill? upon which they sent an answer to their lordships, importing, that they conceived it was not the practice of parliament that they should communicate upon what information they passed the bills except where such information related to facts stated in such bills. This was, he thought, a pretty strong consideration, and was analogous to the case in question, where the evidence required related to facts set forth in the bill itself. He deemed it his duty to call the attention of the house to these points. He should, however, make farther enquiries upon the subject, and give it the best consideration he was able; and, did he feel it necessary, he should again call their lordships' attention to the subject.

The Duke of *Norfolk* expressed his satisfaction at this subject having been taken up by the noble and learned lord. He adverted to the late period of the session at which the bill was passed in the commons, and sent up to that house. Under such circumstances, he was surprised at the refusal to communicate the evidence required, and advised that the bill should be postponed till next session.

The Duke of *Montrose* said, the subject of the bill had been agitated in the commons so early as March or April, though the bill itself was so lately sent up to their lordships. It certainly was the wish of those who thought the bill ought to pass, that the discussion should take place during the present session.

Lord *Holland* thought the more dignified mode of proceeding would have been for their lordships to have examined evidence relative to this subject at their own bar, instead of sending to the commons for evidence.

Lord *Hawkesbury* thought the subject now under consideration, related more to the privileges of the house, than to the bill in question. The evidence required clearly related to facts alledged in the preamble; and it appeared to be the practice of parliament, that such evidence should be communicated. Whether it might be deemed proper to pass by the present proceeding, *sub silentio*, or to ground any proceeding upon it, would be matter for future consideration.

The *Lord Chancellor* explained, that he felt it his duty to call their lordships' attention to the points alluded to. He agreed with a noble baron that it would be more consistent with the dignity of the house, to hear evidence at their bar. With respect to the measure itself, whether the evidence would or would not be sufficient to induce the house to pass the bill, he could not pretend to say; but, it was necessary that the facts alledged in the bill should be proved, and then it would be for the house to decide, whether such were sufficient grounds upon which to enact the bill.

The Marquis of *Buckingham*, after a few prefatory observations, presented a Petition from the Agents of the House of Keys, in the Isle of Man, against the Duke of Atholl's Annuity bill, and praying to be heard by their counsel.

The *Lord Chancellor* shortly observed, that with respect to the grounds stated for the hearing of counsel, it would be matter for future consideration. He had no objection to the petition lying on the table; which proceeding, after a few words from the noble marquis, accordingly took place.

The Earl of *Radnor* moved, that the message from the house of commons be taken into consideration on Monday, and their lordships summoned for that day. Ordered.—Adjourned.

HOUSE OF COMMONS.

Friday, July 5.

[MINUTES.] Mr. Dennis from the Commissioners of Excise, presented accounts of balances remaining in the hands of the Receiver General of Excise, at various periods from the 5th of Jan. 1793, to 5th April last inclusive. Ordered to be printed.—Mr. Staveley from the Post-office, presented an account of balances in the hands of the Receiver General of the Post-office, which was ordered to be printed.—On the motion of Mr. Vansittart, the Committee on the Irish Revenue Jurisdiction bill, and the further consideration of the report of the Committee on the Irish Port Duty bill, were postponed to this day three months.—Mr. Ormsby brought up the report of the Committee on the Petition from Collyer and others, Freeholders of Middlesex, praying for compensation for loss of time in attending the Committee on the contested election for Middlesex. Ordered to be taken into consideration on Monday.—A message from the lords intimated their lordships' concurrence in the bill for purchasing ground in Palace Yard, the Dublin Harbour Improvement bill, the Militia Officers bill, and the Corn Import and Export Regulation bill.—Mr. Fowler from the Tax-office, presented an account of the expences incurred for Officers and Commissioners under the Act for the Redemption of the Land Tax, from 5th Jan. 1804 to 5th Jan. 1805.—On the motion of Mr. Vansittart, the Irish Distillery bill, the Irish Paper Duty bill, and the Irish Hearth Duty bill, were read a third time and passed.

[Trotter's Indemnity Bill.] Mr. *Whitbread* moved the further consideration of the third reading of this bill; which being accordingly read a third time,

Sir *William Elford* rose to propose his promised amendment to the preamble, which he now preferred to any emendatory clause. His object was to put those persons who should give evidence on Viscount Melville's Impeachment, into a situation free from any apprehensions they might otherwise entertain. It would tend to obtain the ends of substantial justice, and greatly to shorten the proceedings; as at present there was so great a difference between lawyers of eminence, respecting the obligation of a witness to give evidence against himself, that on the trial, it must be productive of long and frequent discussions between the counsel on both sides. The purport of his amendment was, that after the words "indemnified for any public acts," should be inserted the words "and against any public money he may have applied contrary to law, during the time that Viscount Melville was Treasurer of the Navy."

Lord *Henry Petty* said, that he did not rise to offer objections to any measure which professed to be calculated for obtaining the ends of substantial justice, though it could not be denied, that in this, the house was making a sacrifice of very material importance. He owned, that there was a considerable difference in the opinion of lawyers, as the hon. gent. had stated; but by all that he could learn of the subject, the preponderance was greatly in favour of a different construction from that given to the law by Mr. Dancey. It was certainly a question upon which the house ought not hastily to decide; and he therefore wished for the introduction of some words, purporting that this indulgence was granted from the necessity of the case, lest it should hereafter be construed into the formal recognition of a principle.

The *Chancellor of the Exchequer* pointed out, from the wording of the preamble, that the amendments proposed were entirely consistent with the spirit of the bill itself. There were two things which the bill wished to provide for;—1st. That such answers as might be given which would criminate the witness should not expose him to any prosecution. The second consideration was, that the witnesses should give their evidence (whether in crimination or exculpation) unembarrassed, and free from personal apprehensions. He thought the amendments proposed were essentially necessary for the obtaining both those objects.

Mr. *Giles* agreed perfectly with what had fallen from a noble friend of his (lord H. Petty), that although it might be proper to grant a complete indemnity in the present instance, yet that the house should not recognize it as a precedent to govern other cases which might be somewhat similar, and yet differing in other respects.

Mr. *Sturges Bourne* made a few observations in support of the amendment.—On the Speaker's putting the question that the bill as amended do pass,

Lord *De Blaquiere* rose. He said he had waited in the humble distance which became him, to see whether an object in the bill, which struck him to be of much importance, might not be taken up by some person more competent than himself: that time, however, was passed; and he relied on the wonted kindness of the house to indulge him for a few minutes in what he wished to say. Certainly he meant not, in this last stage of the bill, to encounter that doctrine which the house seemed to warrant,—that of acquitting the principal, in order to punish the accessary. Much less did he mean, at such a moment, to enquire how far it would be consistent with the dignity and character of the house to avail itself of any expressions which might have dropped from lord Melville when making his defence at their bar; how far it could be for the honour of parliament, or consistent with the liberal feelings of the hon. member who conducted the business, to found upon such grounds a distinct article of impeachment against that unfortunate lord, when, as was forcibly and eloquently said yesterday by an hon. friend of his (Mr. Alexander), every thing which tended to his justification was passed by without a note, and every word which made against him recorded.—The noble lord said, that, notwithstanding all the amendments made in the bill, there remained something attached to Mr. Trotter, which left him not a free man. The bill went to deprive of the benefit of indemnity not only any person who should give false evidence, but any who shall suppress or refuse, fully, fairly, and truly, to disclose all and every transaction to which he may be privy, touching the conduct of lord Melville. And who was to be the judge whether Mr. Trotter does, or does not reveal and disclose fully and fairly all he may know? God, the Searcher of hearts, may do it; but it belongs not to me, said the noble lord, or to the hon. member. And was it not very possible that a weak and timid mind, such as that of Mr. Trotter was represented to be, might not recollect and precisely state, on one examination, the same facts in the manner to bear the same construction as he had stated them at another time, and yet the least prevarication, however unintentional, might expose him to the loss of the indemnities proffered. Mr. Trotter was said to be a man very weak and nervous, and that he had exhibited the strongest proofs of it before the committee, where he appeared much terrified. Put it otherwise, said the noble lord; suppose that, with a length of quiet time, Mr. Trotter should recollect many circumstances which tended to justify lord Melville's conduct, and which he had not stated yet; would it not be more than possible that the apprehensions he would be under might at least very much embarras him in giving his testimony, for the proviso to which the noble lord alluded left not Mr. Trotter a free man. As for himself, he was neither ashamed nor afraid to profess his own opinion, that, when all this business against lord Melville should have been gone through, he entertained the most sanguine expectations the result would be, that lord Melville, at this very hour, had more than sufficiently suffered for all his neglects, and all his delinquencies, and if it was not high treason against the house so to say, he thought lord Melville had met with hard measure. Of the honour and integrity of the hon. member who brought this business forward, however highly he might think, still he had but a very slender opinion of his moderation. Lord De Blaquiere was then proposing his amendment, when

The *Speaker* rose and said, that if the noble lord had any objections to the general principle of the bill, he might state them, but that it was now too late to propose any amendments.

Lord *De Blaquiere* said, he trusted the bill would yet be altered before it passed into a law, and that Mr. Trotter would not be left in that desperate predicament which gave him an interest in the conviction of his friend.

Mr. *Whitbread*, in answer to the observations of the noble lord, said, that Mr. Trotter would be sworn to tell the truth, the whole truth, and nothing but the truth, and if he failed to comply with the obligation of his oath on these grounds, surely it would not be argued, that he had any claim to the indemnities proposed by this bill. If Mr. Trotter could, in the course of the summer, recollect any circumstance by which he might add to, or correct his evidence, before the impeachment should be closed, either in support of the accusation, or in favour of lord Melville, he would be at liberty to amend that evidence, by stating such circumstances. All his object in the case was substantial justice, and the whole truth, and surely it was but right for the house to retain this hold upon his veracity, that if he concealed any part of the truth, he forfeited his claim to the indemnity.

Mr. *Johnstone* said, that however painful it was to him to differ from his hon. friend by whom the bill was introduced, he must declare his disapprobation of it, as proceeding on a principle of justice of which he could by no means admit. There was but a single precedent, that of lord Macclesfield, that bore any semblance to this case, and that he thought by no means bore upon it in every part, for this reason, that though the masters in chancery and lord Macclesfield were participators in the same crime, yet that the guilt of the masters in chancery was infinitely less than that of lord Macclesfield, whereas in the present instance, although the moral guilt of lord Melville certainly preponderated, yet, that on the question of participation, (which was that to be submitted to the decision of the lords) he was only an accessary. In his opinion it would be always better to let a criminal escape without punishment, than to adopt legislative provisions for the express purpose of bringing down punishment upon him.—The bill was then passed, and Mr. Whitbread was ordered to carry it to the lords for their concurrence.

[SOUTHERN WHALE FISHERY BILL.] On the order of the day for the third reading of this bill,

Lord *Brooke* rose to move a clause, by way of rider, proposing to exempt from the Alien Duty five other ships, which sailed from Milford Haven, and were freighted with oil for that market, provided they should arrive before the 31st of December; these, in addition to five other ships already exempted by the bill from that duty, amounting to about 22,000l. provided they arrived within a given period.

Mr. *Rose* decidedly opposed the clause, as claiming an indulgence detrimental to the revenue in favour of persons who were by no means entitled to such an indulgence upon any ground. He explained the nature of this claim. It had been thought expedient about nine years since, to give encouragement to forty families to settle at Milford Haven, on the condition of their fitting out ships in the fishery, and instructing our seamen in their skill for taking such fish; and the consequence was, that, instead of complying with the conditions to which they had pledged themselves, instead of fitting out ships in the fishery, and improving our sailors in the art, and extending thereby our great nursery for seamen, the business had dwindled down to the exertions of a single family, who amassed a considerable fortune by it, and instead of fitting out ships for the fishery, they purchased the whale oil from the American fishermen, in American ports, and imported it into England as the produce of the British fisheries, and thereby eluded the alien duties, which were the principal barriers for the encouragement and protection of the British fisheries, the rapid improvements of which, within the last few years, were owing, not at all to those settlers, but entirely to the spirit of our own merchants, and the skill and adventure of our own seamen; against whose interests and encouragement it was now proposed, by another exemption of five ships' cargoes from the alien duty, to throw 25,000l. into the pocket of a single family. He therefore decidedly opposed the clause.

Sir *Charles Price* also opposed the clause upon the same ground. He observed, that the claimant, whose name was Roche, was forced to fly from France in the tyranny of Robespierre, and was encouraged, upon the conditions mentioned by the right hon. gent. to settle in this country. He had also adventured in America; so that he was a whaler of each country, and now wanted to claim exemption from the alien duties in favour of cargoes not procured by promoting the British fishery, and the important naval objects therewith connected, but purchased in American ports, from American whalers, at a moderate price, and brought into British ports, exempt from the alien duties, and to be sold at double the original cost. The more oil could be brought into this country by any and all means, legal and illegal, the more advantageous would it be to him in the line of his trade; but he could not so far desert the rights of British seamen and British merchants in their own market, as to suffer the produce of foreign fisheries to enter their ports upon equal terms, and reap the advantages due to them from their country.—The question being put, the clause was rejected; and the bill was read the third time, passed, and ordered to the lords.—Adjourned.

HOUSE OF LORDS.

Saturday, July 6.

[MINUTES.]—The house resolved into a committee on the Smuggling Prevention bill, lord Walsingham in the chair. Mr. Adam was heard at considerable length, as second counsel, on behalf of the petitioners in the islands of Guernsey and Jersey, against certain clauses in the bill. After the learned counsel had concluded, a short conversation took place between lord Holland and the lord Chancellor, relative to the clauses in question. The former peer thinking the points they involved of so much importance, as to require the attendance of the judges, when the bill should be next taken into consideration, which was proposed to be on Monday. To this proceeding the lord Chancellor objected: at the same time he admitted the importance of the points adverted to, either as they respected executive and legislative power, relative to the islands in question; if, by the law and constitution of the country, no such right existed, or, on the other hand, the abandonment of the exercise of the right if it did exist; upon these points, he meant then to offer no opinion: future opportunities would arise in the subsequent stages of the bill; as also for the discussion of the clauses objected to. Lord Holland wished the question to be put upon his proposition for the attendance of the judges on Monday, which was accordingly done; it was negatived; but the result was, that the farther consideration of the bill, in a committee, was fixed for Monday.—The bills upon the table were forwarded in their respective stages. Among these, the Irish Revenue Regulation bill, the Irish Assessed Taxes, the Sugar Duties Drawback, the Public Accountants, the Irish Spirits Warehousing, the Irish Linen Duties Drawback, the Plate Glass Duties, were severally read a second time, and ordered to be committed.—The Dublin Paving, Lighting, and Cleansing bill, went through a committee of the whole house, received some amendments, and was ordered to be reported on Monday.—Lord Mulgrave, by command of His Majesty, presented a Copy of the proceedings in the Privy Council, &c. on the Petition of John Duke of Atholl, which, on the motion of the Lord Chancellor, was ordered to be printed.—Adjourned.

HOUSE OF LORDS.

Monday, July 8.

[Duke of Atholl's Claim.]—The Marquis of *Buckingham* moved for an account of the revenue and expenditure of the island of Man from 1798 to 1805, which was accordingly ordered.

Lord *Ellenborough* rose to move, that certain papers laid on the table relative to the duke of Atholl's Claim bill, be printed. He thought it extremely improper that their lordships should proceed to the consideration of a subject of so much importance, before they had time to peruse the papers which had been produced to assist them in forming a proper judgment on the measure. He considered it altogether indecent, that one noble lord should be compelled to look over the shoulder of another, in order to glean a little information from the papers. He therefore trusted, that, after the papers were printed for the use of the house, sufficient time would be afforded for their consideration. The papers were ordered to be printed.

The Earl of *Westmorland* moved that the order of the day be read.

Lord *Holland* rose to move, that the order of the day be not proceeded on.

Lord *Mulgrave* spoke to order, and said, it was not competent for the noble lord to move that the order of the day should not be proceeded on.

Lord *Holland* insisted that he was in order. He meant to oppose the second reading of the duke of Atholl's bill, and it was competent for any noble lord to oppose an order for proceeding with a particular bill.

The *Lord Chancellor* said, that when the order of the day for summoning the peers should be read, the regular course would then be for a noble earl to move the second reading of the bill. It would then be competent for any other noble lord to move, that instead of now, the bill be read at some future time.

Lord *Westmorland* then rose to move the second reading of the bill, but was interrupted by

The Marquis of *Buckingham*, who observed, hat as this bill proposed to grant a sum out of the consolidated fund, it was necessary it should have the recommendation of his majesty before the house could entertain it.

Lord *Hawkesbury* stated, that so far as the interests of the crown were concerned, his majesty was willing that the bill should proceed.

The Earl of *Westmorland* at length entered upon his speech. His lordship began by stating the grants of the sovereignty of the Isle of Man, made to the family of Stanley, earl of Derby, and which from thence descended to the duke of Atholl. He observed, that the consent of the duke of Atholl had been obtained to the sale of his rights, under an apprehension that he was compelled to surrender them, and that the bill by which that sale was sanctioned had been hastily passed. He contended that the full sovereignty of the island vested in those who inherited from the original grantee, as appeared by ancient constitutions of the island, and by the decision of the court of Chancery here, which was subsequently recognised by parliament in the reign of Elizabeth, at which period an act passed to render the island unalienable from the family. The terms, however, used in these acts, as well as in the original grant relative to the island, clearly proved that the full sovereignty was vested in those who inherited the island under that grant. So well was this understood, that no attempt was made in the parliament of England to legislate for the internal regulation of the Isle of Man. There were only four or five acts by which the Isle of Man was affected previous to 1765, and these exceptions only served to prove the general rule. It was since that the Isle had been placed in the See of York; but no one would deny in this case the power of the king, as the head of the church. The acts chiefly related to the intercourse between England and the Isle of Man, except in one or two instances, establishing certain regulations which, however, had never been acted upon. A revenue was derived to the lord of Man from the customs which he held independent of the house of Keys. He did not deny that smuggling had been carried on to a great extent between England and the Isle of Man; but this was not the fault of the lords of the Isle, neither did they participate in the profits. It was, however, in consequence of this, that a plan was in agitation in the reign of George the First, for the purchase of the island from the then lord; and an act was passed in the 12th of George I. authorizing th parties to contract for the sale of the island. Nothing was done after this until the year 1765, when a proposal was made to the late duke of Atholl by Mr. Grenville, the then minister, for the purchase of the island. His lordship read several parts of the correspondence which took place, to prove that the duke and duchess of Atholl were averse to the sale of the island, and that they only at length agreed to it in consequence of a fear that, if they did not, their rights would be nearly annihilated without any compensation, by a bill which was then in contemplation. Thus circumstanced they reluctantly consented, and named 70,000l. as the price of their sovereignty and revenue, that being the sum which it was understood the minister would give and no more. It was remarkable, however, that in the bill which sanctioned and authorized the treaty thus made, it did not appear that the duchess had consented to a form which was certainly required, neither was any trustee named for the infant, now duke of Atholl. It was true that a pension of 2000l. per annum was granted to the duke and duchess of Atholl for their lives, but no provision whatever was made for the infant. The compensation thus granted, and thus reluctantly consented to on the part of the duke and duchess of Atholl, was, he contended, inadequate to the rights and revenues sold. It was not merely a revenue arising from the customs of the island that was sold, but all the sovereign rights, which included, as one source of revenue to which the lord of Man was entitled, an ox from every quarter-land on the island, which quarter-lands amounted to 700, and might be reckoned as worth 7,500l. per annum. This, added to other resources, made up, he contended, a revenue of 10,000l. per annum, for which the duke and duchess only received 70,000l. without including the sovereignty and royalties of the island. Upon these grounds he contended, that the compensation was greatly inadequate to the value of what was granted, and he trusted their lordships would consent to the present bill, for the purpose, in some measure, of repairing the injustice which the duke of Atholl had suffered. He trusted that he should not be opposed on this occasion by generalities which did not apply, instead of specialities which did. A cry had been raised against this bill, which reminded him of the story of the quaker and his dog; the former sent forth a cry of "mad dog!" and the poor animal was in consequence destroyed without any trial; just so a patriot, at a loss for arguments in opposition to a measure, found it an easy way of opposing it to set up a cry of "job," which had the effect of drawing into the focus of such an opposition those who had not the ability to investigate the subject, or the firmness to act in contradiction to the cry of the mob. He thought there could be no solid objection to do in in this case what was merely an act of justice, and as to the want of information, every noble lord who had been a member of the privy council, must be perfectly acquainted with the subject. Upon all these considerations he submitted to their lordships the second reading of the bill, and he trusted that it would not now be opposed, as there would be other stages in which that opposition could be made.

Lord *Ellenborough* rose and spoke as follows: My Lords, the noble lord has said, in answer to a request for further time to consider the papers before the house, that all those noble lords who have been members of his majesty's privy council must be thoroughly acquainted with the circumstances of the case. I have the honour to be a member of his majesty's privy council, and I certainly do know the former proceedings of the council relative to this subject; but with respect to the latter proceedings, I am wholly ignorant, and therefore I ask for information, in common with other noble lords, and for time to consider the papers before the house. My lords, when I look at the papers just now printed and so reeking from the press that I cannot open them without endangering my health—when I look at a folio volume of 140 pages presented this day by the noble earl, and which we have not had a moment's time allowed us even to look into, I cannot but enter my solemn protest against proceeding in this bill under such circumstances, against a proceeding which could only be sanctioned by parliament in the worst and most corrupt times. I do not ask for a long delay; but I hope that noble lords will consult their own dignity and the public opinion, by granting a short time for the consideration of the papers relative to this subject, to which we ought to turn our attention. I pause, in order that some answer may be given to this proposal. (His lordship sat down for a few moments, but no answer was given). Then I am to understand, my lords, that it is your intention to proceed in this bill to-night. I lament that such should be your determination, but as it is, I will endeavour, with the imperfect information which I have, to put your lordships in possession of my sentiments upon the subject. It is not a little remarkable that in the first three sentences of the preamble of this bill three falsehoods occur. It is stated in the first, that the Isle of Man was granted in sovereignty by the king of England. It is no such thing. The noble earl has laid great stress upon the sovereignty, but the sovereignty was not granted. The island was held in petty serjeanty, by the presentation of two falcons to the king at his coronation; but as to the sovereignty, it was out of the question. The lord of Man had his superiority and his regalities, and so have many noble lords near me regalities in their manors, but as to sovereignty, it is quite a different thing, and no definition of sovereignty will reach the case of the lord of Man. Yet this term of sovereignty is repeated in the two next sentences, and "like a tall bully lifts his head—" I will not finish the line. When the noble lord talks of acts of parliament not binding the Isle of Man, I am astonished at the puerility of the argument; if acts of parliament cannot bind the Isle of Man, then the act passed in 1765, for the purchase of the isle, is a nullity; and if it is not, if that could bind the Isle of Man then, a hundred acts may be equally binding. As to the Isle of Man not being mentioned in acts of parliament, we know it is a mere form, being out of the ambit of the British seas; if it is not mentioned in an act of parliament, such act cannot, in its operation, be constructively extended to it, but this amounts to nothing with respect to the general principle. We have been told by the noble lord, that the compensation given to the late duke of Atholl was inadequate. I paid attention to the subject when it was formerly agitated, and I could not discover the slightest foundation for any fair claim on the part of the duke of Atholl to any further compensation. The late duke named his own sum, although it appears that by some means or other he got at the knowledge of what the then ministers would give at the utmost, and the sum which was then given, in my mind, was a full and ample compensation for the rights and revenue surrendered. The net revenue, of which so much has been said, does not appear to me, from the accounts which I have inspected, to have amounted to more than 800*l.* per annum. Taking this at thirty years purchase, which is a fair price for land, and still more for revenue, liable to harrasing litigations, the sum would amount to 24,000*l.* There would then remain 46,000*l.* for the purchase of the sovereignty as it is called, or as I would call it, the superiority of the Isle of Man, and surely this must be considered as a full and ample consideration for every thing of that nature that was capable of being transferred. Not content with this, however, the late duke solicited a boon in addition, that was granted to him in the shape of a pension, of 2,000*l.* per annum, to that nobleman and the duchess of Atholl. The latter still enjoys that pension, and I hope will long continue to enjoy it; and if there is any claim for further compensation, it rests with that noble lady, and not with the present duke. The compensation, however, was not inadequate, and if the account is stated fairly, debtor and creditor, as to what the public have received and what the family of the duke of Atholl have received, it will be found, that the latter have received in the course of the forty years since the bargain, at least 177,000*l.* more than the public from the result of that bargain. As to the consent of the duchess of Atholl, and the appointment of a trustee for the infant, which the noble lord contends were absolutely necessary, I maintain, on the contrary, that parliament having authorized and directed the sale, no such consent, or appointment, was necessary. If however, my lords, this bargain was a bad one, it were better to rescind it at once, than to pass such a bill as the present. To sanction such a proceeding as this, will be to open a door upon its hinges that will never again be shut. Never did I witness a gross job come into parliament in a more bodily form than the present. If this is agreed to, there will be an inlet for the most corrupt proceedings; and one I know will be brought forward, if this succeed, one of the most corrupt jobs that ever was witnessed in parliament. But, my lords, let me conjure your lordships not to agree to a bill like the present. It is, indeed, a consideration of the highest importance, the taking of three or four, or five thousand pounds a year out of the consolidated fund, at a period when the supplies are with so much difficulty raised. That such a bill too should be endeavoured to be hurried through the house in the course of the few remaining days of the session, for it is idle to dissemble that that is the object, is indeed a melancholy consideration. In a few days parliament will be dispersed; and let us not return to our respective homes with the stigma of having passed a bill like the present. Unfortunately (I make no charge against any one), but it does unfortunately happen, that when we return to our homes, after our duty in parliament is at an end for the session, we cannot say that any useful treaty has been made with any continental power, that any negociation has been brought to a successful termination; we cannot say that any thing has been added to the glory or to the honour of the country. Let us not then at the conclusion of the session, during which unfortunately so little has been done for the honour or advantage of the country, have the burden upon our minds of having agreed to such a bill as this. Let us not, at a moment like this, when all classes of the people are ground down with taxes, add to their burdens by voting a boon to mendicant importunity. If our supplies were unlimited, if we could draw upon them without any fear of exhaustion, if the resources of the state grew like the fabled Promethean liver, under the beaks and taloons of the vultures by whom they are lacerated and devoured, then indeed we might agree to such kinds of demands; but as they are not, it is our duty to watch over the interests of the people, and not to suffer their resources to be squandered in improper expenditure. However critical may be the times; however great may be our dangers; however hopeless the state of our finances; let us not, my lords, imitate the conduct of sailors in a storm, who, when their situation is desperate and hopeless, when they see their vessel driving upon the rocks, abandon the sails, throw up the helm, and fall to plundering the chests. Let us rather, if we would avert the thunderbolts of human, or even, though I hope not, of divine vengeance, which may be ready even now to burst upon us, deck ourselves out in the robes of virtue, that we may gain the respect of foreign nations, and the love of the people, of whose interests we ought to be the guardians and protectors. Impressed with all these considerations, I feel it to be my duty to oppose this bill. Be the event what it may, *liberavi animam meam*.

Lord *Harrowby*.—My lords; however, inadequate I may be to the task of combating with the talents of the noble and learned lord, I feel myself impelled to rise in defence of the bill against the assertions which the noble and learned lord has made, and the arguments which he has adduced. I feel no dread of any human tribunal, or even of a divine tribunal, in giving my assent to this bill, convinced as I am, that it is founded in justice and equity; nor will I repeat the expression which the noble and learned lord has applied to it, which seemed to me not very consistent either with the consideration we owe to a bill sent up from the other house of parliament, or with the dignity of this house. Neither will I repeat the expression which the noble and learned lord applied to the noble duke whose claims are under consideration, and which I think was equally improper as applied to that noble duke, and as coming from the noble and learned lord who used it. The noble lord proceeded to enter into a detailed argument with respect to the bargain concluded with the late duke of Atholl, which he considered as very unfavourable to that nobleman, and he believed that the minister who concluded that bargain was not perfectly informed of the whole circumstances of the case, and that there was an intention of bringing in a bill in the year succeeding for the purpose of explaining the former act. If therefore the bargain was concluded without a sufficient knowledge of the circumstances and situation of the Isle of Man, it surely was not too much now to say that that bargain should be again opened, and some compensation made to the suffering party. On a fair review of the subject it would be found that a bare consideration was given for the actual revenue of the island, leaving nothing for the sovereignty, the regalities, and other rights. As to the question made by the noble and learned lord with respect to the sovereignty of the island, let it be recollected that the lords of Man wore a crown; that they pardoned offences; that they legislated for the island, and had other prerogatives, which certainly constituted a sovereignty, in whatever point of view that term might be considered. He denied the accuracy of the account stated by the noble and learned lord, neither did he think it as a fair mode of considering a subject like the present to state an account debtor and creditor in that mode. It was not merely that the revenues had increased, but they were to consider that they purchased the rights of the lord, by means of the exercise of which rights only the revenues could be increased, as it was clear we could only have the same rights as those we purchased of the lord of the island. So far from the sum which the noble and learned lord represented as having been gained by the family of the duke of Atholl, they had only received an inadequate compensation for the mere revenues of the island, without reckoning any thing for the honours and royalties which they gave up. It had always been the practice of parliament to be liberal in cases of this nature. When the heritable jurisdictions in Scotland were bought up, the duke of Argyle received 22,000*l.* for what in fact produced nothing, or at most 20*l.* per ann. The value of the honour bought in such cases could not be, nor ever was, judged of by the common ordinary rules of calculation. It must be judged of by means of a far different scale, and he trusted that their lordships would, in this instance, act upon those principles which had hitherto characterized parliament. It was not, besides, in this case an act of liberality that they were called upon to perform, but of justice, which required, that a bargain made to the prejudice of an individual at a time when he acted under an impression that his rights were to be taken away without compensation if he did not consent, should now be revised, and some compensation made to his family, particularly when it was considered that the honours conveyed were of a peculiar nature, and such as no other subject of the realm could grant. He had, on a former occasion, paid considerable attention to this subject, and the more he had attended to it, the more he was convinced of the justice of the claims which were now urged. He should therefore support the bill.

The Marquis of *Buckingham* protested against the house being called on, at this late period of the session, within the last few days of its continuance, to go into a discussion of so much importance, for which it was morally impossible their lordships could be prepared, considering the large mass of papers they had to wade through, and the large volume of evidence they had to examine, as well as the papers for which he had the honour of moving this day, and which were absolutely necessary for the information of the house, preparatory to the discussion of a subject so important. It was contrary to every principle of propriety and justice, to call upon the house to go into such a discussion, and decide upon a question of so much magnitude, without reading one iota of that mass of documents, or being prepared to refer to any of their contents, from which noble lords, who supported this bill, had so copiously spoken. For the sake of the house of lords, its character, and dignity, he deprecated a proceeding that must cast a stigma on its wisdom. A noble earl (Westmoreland) had said, that those documents were familiar to every noble lord who had been called to his majesty's councils; this, however, was not his case, he had been long anxious for information on this subject, and long awaited it in vain. He had heard this night many imputations of injustice against the government of this country, on the ground of concluding this bargain. He had even heard the word 'robbery' applied to it in the course of debate; but such language he could not pass without reprobation. Noble lords had talked of the sovereigns of the Isle of Man, which he denied them to be; the parliament of this country had frequently legislated for the island, and in the year 1784, it was the decided opinion of the government of this country, and many of the ablest men of that day, that the sovereignty of that island vested in the crown of England, though the feudal right might be in the lords of the island, who were the family of the Stanley's, and words could not be clearer than those in the grant of James I. to the holders of that island—"to hold of us, our heirs and successors." No legal man could have a doubt upon the subject: It was the opinion of Mr. Grenville, and several of his most eminent contemporaries; and when the bargain was made in 1765, it was done on the part of the duke of Atholl, in the contemplation that the restriction made by the English revenue laws would materially reduce the revenues of the island. The surrender, therefore, for the price obtained, was not considered as a measure of cruelty or injustice on the part of the British government; it was a bargain deliberately negociated by Mr. Grenville, through the medium of lord Mansfield, who was the attached friend of the Atholl family, and who took a very principal share in the negociation. Through that noble and learned lord it was, that the duke of Atholl received the intimation, that government did not think 70,000*l.* too great a price at the time, and it was accepted, and considered as a full, liberal, and adequate sum; and if there was any error in the bargain, it was an error on the side of liberality; for there was no ground to hope, that the house of Keys would ever have consented to raise the revenues of the island. Besides, out of those revenues were to be deducted the military establishment of the island, so that it was not a net but a gross revenue the noble duke was selling; and with respect to the pension of 2,000*l.* a year, granted to lady Atholl, upon the Irish establishment, he had personal opportunities of knowing, and could, if necessary, produce documents to prove, that it had nothing whatever to do with any idea of further compensation, but was recommended by Mr. Grenville merely as an act of royal munificence. But would the house reflect for one moment, what would be the consequence of this bill passing into a law? The consequence would be, that the compensation to be paid to the duke of Atholl was required to be in proportion to the increased revenues of the country, a proportion not to be ascertained upon any examination or inquiry, but upon the mere certificate of the collector of the island; not upon oath, but at mere discretion, wholly uncontrouled; and this certificate, so to be issued, was to become a mandatory warrant to the lords of the treasury, for issuing the proportionate sum to the duke of Atholl. In addition to the other proofs how unfounded were those claims on the part of the noble duke was, that no law officers of the crown, from 1781 to the present moment, ever reported in their favour. The noble marquis, having argued at considerable length against the measure, concluded by expressing his most cordial approbation of the conduct of a noble lord (Sidmouth), with whom, though he had not been in the habit of agreeing on political subjects, yet he must acknowledge the strict purity and integrity of his conduct in respect to this claim, which had been put down under his administration, and he now trusted to sleep for ever.

The Earl of *Carlisle* contended that the bargain was a compulsive one, and that the contracting parties had not started from the same place, and consequently could not have stood on the same grounds. The question was between a mighty empire, and an individual, and it was becoming the legislature to revise and rescind its former act, if the compensation under it was, as he maintained it was, inadequate for the rights purchased. It had been said that the house had no information before it to warrant the passing of the bill. But had not the other house of parliament made sufficient inquiries on the subject, and sent up the bill to them founded on their examinations, which must have appeared to them fully sufficient to justify it? On these grounds he should vote for the measure.

Lord *Sidmouth* said, if he had not considered it material to the reputation and dignity of that house, to have a subject of this nature explained, he should have declined addressing their lordships on this occasion; but feeling, as he did, this necessity, he should desert his duty to the house, and to the community, if he did not state his sentiments, and protest against the claims of the noble duke, as inconsistent with justice to the country at large. The noble lord who spoke last, seemed to consider as a ground for the immediate proceeding of that house, the deliberation with which the enquiry had been conducted in another place. He (lord Sidmouth), had brought with him from that place as much respect as any man could entertain for its wisdom and for its integrity, but he could not admit that, because this perseverance had been employed elsewhere, a motive was supplied for neglect and precipitation here; he should rather have supposed that diligent and laborious investigation in the one place, was a reason for exerting the same unremitting industry in the other. The only way in which noble lords could act, so as to preserve their own character, was to examine gravely for themselves; such had been the excellent example presented to their observation, and yet it was now expected that three months revision of the subject in the house of commons, should be succeeded by the attention of scarcely as many days for the acquisition of their lordships' concurrence. Was it decent that the sanction so required, should be thus hastily conceded? Much importance had been attached to the information now obtained: but it was absurd to consider it of any consequence if a determination were to be formed, without having recourse to those documents on which alone it ought to be founded. So singular was the acceleration attempted in this affair, that the royal assent was to be given before the proper materials could be supplied from the activity of the press. Perhaps he (lord Sidmouth) from his situation, was not wholly unapprised of what was expedient for the formation of his own judgment; but to those who were not members of the privy council, the same opportunities of information could not have been afforded. He entered most cordially into all the sensibilities of the noble family of the Atholl's, but he had a duty to discharge to the public, which was paramount to every private consideration, and which no partial inclinations should induce him at any time, or under any circumstance, to surrender. What were the facts of this case? When the duke had failed in his application to parliament, he applied to his majesty in the form of a memorial, imploring his royal recommendation for the protection of his rights. To enquire into the object of the prayer, it was referred by his sovereign to the privy council, and after the due attention that had been paid to it, the question was submitted to the attorney and solicitor general, who drew up their determination in the form of a report. Although these persons were fully competent to the charge assigned them, their decision was opposed to the pretensions of the noble duke. Subsequent to this, the privy council being anxious to give the means of stating the subject more comprehensively, another memorial was proposed, the investigation was renewed; and after a general and prolix discussion, it was again resolved, that there were no grounds whatever for deeming the compensation made to the family inadequate. In this result he (lord Sidmouth), in opposition to his own wishes towards the individual, was constrained, from a sense of justice, to concur. Some of those who composed the privy council at that time were among the most enlightened men of the age: a noble lord at the head of the law in a neighbouring kingdom, and a learned judge, were of the number. What he was now stating was not mere matter of allegation, it was confirmed by the papers on the table of their lordships. After this unanimous determination, another report was prepared, and in this situation of things the noble duke applied for permission to present a third memorial, that the privy council might review what they had so repeatedly decided. They assented to this proposition conditionally, and the condition was, that new facts alone should be produced under this new application. This additional memorial was then presented, and at this critical moment a change took place in the administration. The resolution of the privy council, under its new modification, was at last favourable to the family, and it was determined that the sum of 70,000l. given to the duke's ancestor, was not an adequate compensation. In consequence of this, the affair was again brought before parliament, and the assent of his majesty had been notified; but although the royal concurrence was announced, it was only declared in conformity to the established orders in such cases, and the matter was to be re-examined with the same caution and jealousy for the public interest as if nothing of that kind had transpired. The foundation then of any demand of this nature ought to be discovered, in not only the insufficiency, but in the gross inadequateness of the remuneration. Was there any ground for such a supposition? The attorney and solicitor-general (one of whom now adorns the situation he at that time so honourably held) had resolved, that the compensation was liberal. If the duke deemed it to be otherwise, it was for him who sought the beneficial interposition of parliament to prove that it was insufficient. He would not pursue the track which had been so successfully followed by his noble and learned friend, or by the noble marquis, but he would confidently assert, that not a shadow had been presented to his observation to vary the complexion of the case. The computation to which he had just adverted allowed thirty years purchase for the rental of the island, and no less a sum than 46,000l. for the royalty. Was this to be considered inadequate for such unprofitable honours? He did not mean to derogate from true dignity. He was contemplating the subject merely in a pecuniary light, without being at all disposed to undervalue hereditary distinction. Was it thought insufficient by the noble person to whom it was assigned? Was it so supposed by the able advisers whom he consulted? When speaking of the purchase, he was not permitted to include the annuity on the principle explained by the noble marquis; but at least it might be referred to as indicative of the generosity with which he was treated, contrary to that parsimonious spirit which had been attributed to those concerned in the contract. Every maxim of discretion required that some satisfactory evidence should be adduced before the subject was opened. Instead of this sort of testimony, heavy charges were substituted; fraud was intimated, violence was more than insinuated by the operation of this bill; but all this would be seen to be wild and illusive, when it was asserted, that parliament was the instrument of this fraud and oppression. It had been argued, that there was an increase of the advantages since the contract was made. This would not, surely, be allowed to be a valid argument, unless it could be said, that the bargain was unjust at the time it was entered into. Could such reasoning be admitted for a moment in a private contract? and why should not the same principles be acknowledged in our public engagements? But, to what was the improvement in the revenue to be attributed? Not only to the augmentation of the duties, but to the amelioration in the condition of the people, by which they were enabled to bear that augmentation. This benefit had been derived from a total change of system, in regard both to the internal affairs and external relations of the island. After what had been already stated, it seemed unnecessary to detain their lordships with any minute and tedious enquiries into the abstract question of right. Right did not exist, and could not be rationally pretended; an attempt to support such a position seemed to defy all serious and sober argument. The appeal then of the noble duke must not be to the equity, but to the humanity or liberality of their lordships; yet feelings of this kind could not be connected with the matter under consideration. In the application of the public money, they could respect justice only, and all claims upon the generosity of the house ought to be ineffectual. If a firm and resolute regard were not paid to such principles, the consequence must ever be ruinous and destructive. But the proposition must not only be rejected on its own account, but as introductory of a precedent imminently dangerous. That consideration, independently of every other, would be sufficient to induce their lordships, he trusted, to reject this measure. Did noble lords recollect the numerous contracts which were rendered necessary by the multifarious concerns of the empire? and were they disposed to invite the complaints of every discontented contractor? It was but a few years since a contract was made with a noble duke (the duke of Richmond) for a concession respecting an article (coals) of great importance. The increase in the luxuries of life, and the rapid advance of commerce, had so much augmented the employment of this commodity, that the engagement had become highly beneficial to the public. Another noble duke had accepted a remuneration for wine duties. If the demands of the duke of Atholl were satisfied, how could their lordships decently resist the claims of either of the other noble persons with whom contracts had been made, which in the event had turned out so advantageously for the public? To the same class might be referred the situation of a gentleman of high character in the vicinity of Plymouth. He had parted with a tract of land for the use of government, under the statute, for the consideration of 7l. per acre per annum. This land, by accidental improvements, had now become worth double that rent. What applied to that property was equally referable to prodigious tracts, which, by the industry of the nation, assisted by the legislature, had been severed from private property for the purpose of forming roads, and of intersecting the country by canals in every direction. By the general spirit of improvement, the parcels of land so detached had been rendered valuable beyond all reasonable calculation and apparent probability. Should all the boundaries be thrown down, should all these contracts be annulled, because subsequent emoluments have been derived, which would have exceeded the hopes of the most sanguine adventurer? He trembled for the consequences which must result from such an utter disregard of the public interest; he should by no means fulfil his duty to his sovereign as a member of the privy council, or to his country, as a member of parliament, if he did not most strenuously resist the present application. He lamented the surrender of all decorum which characterised every part of this proceeding; he thought the dignity of the house was most materially implicated, but it was not on contingent and collateral circumstances, however relatively important that he relied; on the substantial merits of the question, he took his stand, and he was confident that if those who favoured this measure should ultimately prevail, it would be productive of great embarrassment to their lordships, and of serious injury to the public.

The Earl of *Suffolk* rose to corroborate what had fallen from the noble viscount, and to give his decided opposition to the bill. If this precedent was set, many others had an equal right to demand compensation with the noble duke. For his part, he thought he himself had a much better and stronger claim. He had lost his brother, his father and his grandfather in the service of the country, and had nearly lost his own life also. Government had given grants to his family of nearly 60,000 acres of ground in America. All that property was lost by the war in that country, and the whole compensation which his family received as loyalists, was about 200*l.* for a property which is now worth near 200,000*l.* If, therefore, this precedent was once established, he, too, would feel that he had as good a right to ask for compensation, and he now gave notice, that in that case he would apply for it. He bestowed great praise on the noble viscount (lord Sidmouth) for the great care that was taken in his administration of the public purse, a care for which he deserved, and certainly enjoyed, the good opinion of numbers of his countrymen, while on the other hand the wanton waste and profusion of another person who had since conducted administration, had been such as to make many persons almost wish that affairs should come to such a crisis as to make the necessity obvious of recurring to a different system.

Lord *Mulgrave* said he could not remain silent after the observations he had heard from some noble lords. He expressed his respect for the opinions already declared by the other house on this subject, and thought the history of the transaction fully justified it. He had no wish to hurt the feelings of any noble lord, but though he was willing to give every credit to the minister who made the bargain with the house of Atholl, for his desire to save the public money, he must recollect that it was stated that the loss of the public amounted to no less than three hundred and fifty thousand pounds annually from the possession of the royalty of the Isle of Man by the Atholl family. He might, therefore, put it to their lordships, whether there was not a strong claim of justice. He agreed with the noble viscount in his desire to unite economy with liberality; but by no means in his application of that rule to the merits of the present case. According to his arguments, there was no ground but fraud on the one side, or fatuity on the other. Such economy in our generosity as was recommended, came to nothing short of avarice. As to the arguments drawn from the cases of the duke of Richmond and others, the transactions were different from this: they were fair and open bargains. They were not questions of dignity, but of plain pounds, shillings, and pence. After several other arguments in support of the bill, he lamented the coarse, harsh, and unnecessary observations, made by the noble and learned lord against the bill, which might surely have been qualified by other expressions. He felt great reverence and respect for high authority, and he felt a jealousy of the effects, opinions delivered in such language, by such authority, might produce. He felt himself, therefore, compelled to complain of the boisterous and rude manner in which—[Here lord Ellenborough rose, and observed, that no expressions used by him were such as could justify the application of such terms.] Lord Mulgrave proceeded: He said he should apply to his lordship what one of the characters of our immortal bard, Othello, applied to an old man: " Signor, your age may more command me than your weapon." He respected his learning, his experience, his authority, and his situation in the state; but his lordship was not to suppose that he and his noble friends on that side of the house were always to sit in silent apathy when he chose to use angry language. Some of the expressions he had used were fitter for demagogues in Palace-yard, who rail at taxes, and introduce every sort of extraneous matter to inflame their audience, than to be used in that house. When he heard irritating and angry language used, it might produce the same sort of language from him; when he heard the word 'job' applied to this measure, he must say he despised the imputation. Such language must always be wrongly used, unless it were intended to follow it up with some positive charge. If a noble person, in a high and venerable situation, did not adapt his expressions to the dignity of that house, nor to the character of his high office, he must feel it due to the dignity of parliament, and due to the character of the bench, to take notice of it, as he felt. Would the noble lord have used such language, in such a stage of a proceeding, in the court in which he presided? He would never submit to be taxed with supporting a 'job'; a conduct of which he knew himself to be incapable. He was really sorry to say so much respecting a noble person of so high a description; but he himself also held a high responsible situation in the conduct of public affairs, and he thought it justice to himself and others to express his indignation, and to endeavour to set himself right in this point with the house. He could not pretend to equal knowledge and ability with the learned lord, but he would not sit silent and pass over such language as that of which he complained.

Lord *Ellenborough* said, that the attack made upon him would have been a just one, had he said any thing to give pain wantonly to any noble lord. But his observations were applied to the measure, and not to any individual whatsoever. He had used those words which struck him as most characteristic of the ideas he really entertained of the measure itself. Considering the lights he had on the subject, the precipitation with which it was endeavoured to pass the bill, and all the other circumstances connected with it, he could not speak of it in any other terms than those which he had used.

The *Lord Chancellor* said, that having held the same high office when this subject came before the Privy Council which he now held, a great deal of his attention was necessarily drawn to it at that time. He could see no other reason for farther compensation, except the increase of revenue since the bargain was concluded. If this were admitted, there could be no such thing as a certainty of closing any pecuniary transaction between the public and private persons. He also considered the length of time as sanctioning the compact. He gave his opinion segregated from all connections in that house, on the very same principle that he should act upon on the bench. Looking at the question over and over again, for a term of years, he must say, as a legislator and a judge, that he saw no evidence of the alledged inadequacy of the compensation of 1765 which could possibly lead him to disturb that compact in 1805. His lordship then adverted to the door that this would open to petitions from all those persons whose property the public found it necessary to purchase. It would be dangerous and extravagant to admit the principle that compensation was to be given for any additional improvement that might be made in property by different management. He confessed that parliament ought certainly to exercise its justice in this case with liberality, but at the same time there did not appear to him to be evidence sufficient to support such a compensation proposed to be granted at the end of 40 years. The consideration of the time was material in this instance as in many others, because the space that had elapsed was a sort of proof that the bargain originally was right. He had before agreed with the Attorney and Solicitor General, and no new evidence appeared but the supplemental statement of the duke of Atholl, and the proceedings of council. He thought his opinion was right; and he was determined, therefore, to act upon it. Was there any thing in these papers to make him alter his opinion? Certainly not. He thought he ought not to avoid giving his vote on the present occasion; and he thought he ought not to give it unaccompanied with his reasons.

Lord *Hawkesbury* said, that it had not happened to him to attend the Privy Council on those occasions when this subject was considered there; but since he came into his present office, he had been led to pay much consideration to the affairs of the Isle of Man. His wish was, to do fair justice to the noble duke and to all parties concerned. He considered the compensation question with his mind perfectly unbiassed. He was ready to agree with his noble friends, that if increase of income were taken as the ground, there would be no knowing where to stop: but let noble lords look at the circumstances of the transaction itself. The noble lord then reviewed the case, and observed, that it was evident that the 70,000*l.* were taken from a knowledge that that sum was the ultimatum; but it was stated by the Atholl family, that they expected a recommendation to his majesty for some mark of his royal consideration, either by annuity, or in some other way. The question then was, whether what the parties have received, is such as they ought to have taken: and when the difference of the tenure was considered between what was lost and the pension received, he did not think that the latter could be viewed as a sufficient compensation. He did not think the Atholl family had been liberally recompensed. His lordship then alluded to his having been chairman of the committee of the commons on the port of London improvement bill, in which capacity he was led to think a good deal on the subject of compensation from the public to individuals, and was convinced that in all such cases the compensation ought to be liberal. People ought to be paid for the compulsion imposed upon them. There were some compensations, such as that once proposed in a plan of parliamentary reform, to be given to borough proprietors, to which he could not consent. He could not help thinking that the measure before their lordships was one which was founded in justice. He recollected what had been said by an hon. gent. (Mr. Fox) who possessed great talents, and whose weight was acknowledged in this country, but with whom he seldom concurred in opinion; he heard that distinguished character say, "that the despotism of an individual over the few was a great evil, and the despotism of the few over the many was still worse: but that the despotism of the many over the few, or the individual, was the worst of all, because no hope of redress remained." This he considered to be the situation of the noble duke in question, from which, he trusted, however, that the liberality and justice of their lordships would release him.

The Duke of *Norfolk*, in answer to the remarks respecting the letter, said, that the annuity of 2,000*l.* was given on account of this. His lordship had said that this ought to have been perpetual. It might be so, but the time to complain was when the period was come when the annuity would expire.—The house then divided on the question for the second reading. Contents 35; Non-contents 11; Majority 24. The bill was then ordered to be committed to-morrow,

[TROTTER'S INDEMNITY BILL.]—On the second reading of this bill,

The *Lord Chancellor* said, that he could not now enter upon the consideration of it, but begged leave to be understood not to be precluded from saying something afterwards respecting it. If their lordships would look at the precedents, they would find that it was one of the most important bills that had came before them for half a century.—Adjourned.

HOUSE OF COMMONS.

Monday, July 8

[MINUTES.]—The Paddington Canal bill was read a second time, and ordered to be committed to-morrow.—The report of the committee on the petition of Mr. Collier and others, praying for compensation for their trouble on the Middlesex election, was presented, and the resolutions read and agreed to.—A message from the lords acquainted the house, that their lordships had agreed to the Leith Harbour Improvement bill, the bill for regulating the Baking Trade in Dublin, the Corn Regulation bill, the bill for auditing Public Accounts, the Spanish Red Wine bill, the Irish Infirmaries bill, the Straw Hat Duty bill, the Dublin Paving bill, and the Pilchard Fishery bill.—Mr. Ormsby moved, that there be laid before the house an estimate of the salaries of the comptrollers of the lottery in Ireland, and also for the commissioners for granting licences in Ireland. Ordered, and afterwards presented by a person from the office of the Chief Secretary in Ireland, and laid on the table.

[PETITION OF MR. TODD JONES.]—On the motion of Mr. Hawthorne, leave was given that Mr. Wickham should, in consequence of indisposition, be permitted to speak sitting.

Mr *Wickham* accordingly addressed the house. The hon. member, adverting to a petition on the table from Mr. Todd Jones, (see p. 641) expressed his regret that this petition had not been presented at an earlier period of the session, or that the hon. gent. who presented it had not given him notice of his intention to bring the subject before the house; because, in that case, he would have been enabled to have such a case laid before the house as would have fully vindicated his conduct, and that of the Irish government, with respect to the charge which the statement of the petitioner conveyed. But he was now, from the lateness of the session, placed in this dilemma, that he must either make an imperfect defence for himself and the government with which he had been connected, or bring forward circumstances which it would not be fair towards the character of the petitioner to mention, as he had not the immediate opportunity of replying to them. At the time when a right hon. gent. not then in his place, (Mr. Fitzgerald) gave notice of a motion with regard to the several persons arrested, and in custody in Ireland, under the suspension of the habeas corpus act, he did promise himself that such a motion would have afforded him an opportunity to exculpate the government of Ireland from the several charges which had been loosely thrown out against it. He naturally expected and wished that the motion of the right hon. gent. would have led to inquiry, because upon such inquiry he had not the least doubt that the result would have been a full acquittal of the accused; nay more, a conclusive evidence of their title to public praise. After some further prefatory remarks the right hon. gent. proceeded to detail the circumstances connected with the arrest and detention of Mr. Jones. For some time after his arrest, which the Irish government was induced to order upon information, the particulars of which he could not, for the reason already stated, with any propriety describe, but which were quite satisfactory to their minds as to the necessity of the measure, Mr. Jones remained in prison without any particular inquiry having been instituted into his case. As soon, however, as the trials, which followed the insurrection of 1803, and which so much occupied the attention of the Irish government, had terminated, an inquiry into the case of Mr. Jones took place. The three allegations in the petition which he thought it necessary to notice were, first, the arrest of the petitioner; secondly, his being detained in prison after, as he states, the government had pronounced him innocent; and, thirdly, the harshness with which he was treated. Now, as to the first point, the right hon. gent. said, that he had already stated the impossibility of giving a full explanation to the house without acting unfairly towards the character of the petitioner. But as to the second point, inquiry being made, it was found that, although the conduct of Mr. Jones was such as justified the strongest suspicion, and would have warranted government in arresting any man; still he being a man of warm temper, and likely to use expressions, and indicate designs which he did not deliberately mean, it was the opinion of government that indulgence might be safely extended to him. In consequence of this opinion it was intimated to a gentleman of the highest respectability at the Irish bar (Mr. Saurin), who interested himself for the petitioner, that government was disposed to liberate him, provided he would quit Ireland, and retire to his residence in this country, where he had been for many years previous to his late return to Ireland. This intimation was communicated to the petitioner; and instead of replying directly to it, he immediately applied to the Irish government, asserting, that what proceeded from their disposition to leniency was a direct acknowledgement of his total innocence, and demanding instantaneous and unconditional liberation, with an indemnity for his imprisonment. With that demand the Irish government would not feel themselves warranted in complying; particularly because, after the trial of the rebels, and the fullest investigation of the charges against Mr. Jones, his case became much more serious than it appeared to be at the outset. Willing, however, to act with every possible consistent mildness, his case was submitted to the crown lawyers, accompanied by this question, "Whether it would be proper to liberate Mr. Jones?" and their unanimous opinion was decidedly in the negative. Still more to ascertain the rectitude of their conduct, the Irish government transmitted the case of Mr. Jones to his majesty's ministers in this country, requiring their advice; and their answer was, that under all the circumstances it would be extremely unadviseable to allow such a person to be at large in Ireland. With this opinion from the law officers in Ireland, and the ministers here, the Irish government felt that they would have incurred a deep responsibility had they complied with the demand of the petitioner for unconditional freedom. But as to the charge of severity in prison, he could assure the house that nothing could be farther, from the disposition and the desire of the Irish government than the wanton oppression of any prisoner. On the contrary, immediately on the arrest of the petitioner special directions were sent to the general commanding the district in which he was imprisoned, that the unfortunate man should be treated with every indulgence that was consistent with the safe custody of his person. Indeed it was remarkable that to none of the generals commanding at Cork, who were directed to inquire into the situation of the prisoner, did the petitioner ever make any complaint of harsh treatment; and he was surprised to see such a complaint in the petition on the table. The right hon. gentleman stated that he should have submitted these observations to the house immediately after he had seen the petition, had he not been prevented by ill health, and he was sorry to observe that an hon. officer (general Tarleton) to whom he could refer upon this subject, was not in his place. The right hon. gent. concluded with again expressing his regret that this business should have been brought forward so late in the session, his wish that it should be fully investigated, and his confidence that the result would completely justify the conduct of the Irish government.

Mr. *Wilberforce* was about to address the house; when

The *Speaker* rose and observed, that there was no question before the house, and therefore the hon. member would excuse him for this interruption. An hon. member had, by permission of the house, been allowed to be heard in exculpation of his own conduct against charges made against the government, of which, for a time, he formed a part; but no other member could, according to the rules of the house, be allowed to speak on the subject, unless he had some motion to ground upon it.

Mr. *Wilberforce* said, he had only one observation to make, and that was to congratulate the house upon the circumstance of the right hon. gent. having come forward to make such a statement. The sensibility which the right hon. gent. had manifested upon this occasion, was highly honourable to him, and it must be grateful to the house and the country to perceive that an important public officer was alive to the necessity of replying to a charge so serious as the oppression of a British subject.

[CONDUCT OF SIR HOME POPHAM.]—Sir *W. Burroughs* rose, pursuant to a notice he had given of a motion arising out of the report of the committee of that house, on the case of sir H. Popham, by which committee, that gallant officer had unanimously been acquitted of the charges that had been brought against his integrity and fidelity. But convinced as he was that the house, at this late period of the session, and when the attendance was so very thin, was not desirous again to agitate the various motions contained in the report to which he had alluded, and in other papers long since before the house, he hoped he might be permitted to postpone his motion till the beginning of next session, when he should move the resolutions of which he had given notice. The first resolution would be, that the charges brought against the integrity of sir Home Popham were wholly unfounded; and the 2d, That it appeared on the contrary to the house, that he had discharged the trust reposed in him with ability and fidelity, and so as to have powerfully conduced to the benefit of the public service. The hon. baronet was proceeding to offer the arguments upon which he rested his resolutions, when he was called to order by the Speaker, who observed, that he was going beyond the bounds usually set to the mere notice of a motion.

[IMPEACHMENT OF LORD MELVILLE.]—Mr. *Whitbread* rose, and said, that, previous to his moving the order of the day for the house proceeding to the further consideration of the articles of impeachment exhibited by the committee against Henry lord viscount Melville, he thought it right to give notice, that it was his intention to-morrow to move for leave to bring in a bill to empower the said committee to proceed with, and bring forward the impeachment formally against his lordship, notwithstanding the prorogation of parliament, should they think fit so to do. There were precedents for this mode of proceeding, and it was rendered necessary in the present instance for various reasons. There was a witness now on his way from Edinburgh to be examined on this business, who, it was probable, might not arrive till after the prorogation of parliament.—Here the hon. gent. was proceeding at length, to shew the necessity for such a bill as the one he intended to suggest, when he was called to order by

The *Speaker*, who said there was at present no question before the house, and that the hon. gent. would have an opportunity to-morrow of explaining himself more fully, Mr. *Whitbread* then moved the order of the day for the further consideration of the articles of impeachment, and suggested various trifling amendments in the preamble. The articles were then read over by the clerk one by one, and severally agreed to by the house without a dissenting voice.—Mr. Whitbread proposed an additional article nearly to the following purpose:—"That, after the said 10th day of September, 1796, when lord Melville was treasurer of the navy, the said Mr. Trotter did, with his lordship's connivance or authority, place large sums of money in the hands of Mr. Mark Spottt, after taking such sums out of the Bank of England for the purpose of private emolument and interest, or for purposes other than naval purposes." The above article was read, agreed to, and added to the others, and the whole ordered to be engrossed.

Mr. *Whitbread* then moved, also, that a clause be ordered to be prepared for the purpose of reserving to the house of commons the liberty of exhibiting any other articles against lord Melville that may afterwards occur to them to be necessary, and that the committee already appointed to prepare the impeachment be allowed to prepare the said clause; which was agreed to.—The hon. gent. then brought up the report of the said committee, relative to said saving clause. Their resolution was read, and agreed to, and the clause ordered to be added to the other articles.—Adjourned.

HOUSE OF LORDS.

Tuesday, July 9.

[MINUTES.]—Judgment was given in the important Irish appeal cause, Redington *v.* Redington. The lord Chancellor spoke at considerable length, when the decree of the court of exchequer in Ireland was reversed, and a reference was made with respect to part of the matter in dispute, back to that court.

[CASE OF MR. TODD JONES.]—The Earl of *Suffolk* begged leave to trespass, tho' aware it was not strictly regular, shortly upon the attention of their lordships, relative to a topic of some importance: he adverted to what had been alledged on the part of Mr. Todd Jones. Many of those facts, he had the satisfaction to state, were far from being true. He derived his information on the subject from a highly respected friend, and gallant officer, general sir Eyre Coote; that officer commanded for some time in the district in which Mr. Jones was imprisoned. So far from his treatment being harsh and severe, it was humane; and, as far as circumstances would permit, comfortable. His allowance was liberal: he was accommodated with a good, comfortable room, favoured every day with walking for air and exercise, in the prison yard; and, above all, he was indulged with a female attendant to wait on him; a favour, he believed, not usually conferred on persons in his situation. He had these facts from an authority in which he could confide; and, he thought it incumbent on him thus publicly to state them.

[IMPEACHMENT OF LORD MELVILLE.]—Mr. *Whitbread*, accompanied by a great number of the members of the house of commons, exhibited at the bar Articles of Impeachment in the name of all the commons of the united kingdom of Great Britain and Ireland, against Henry lord viscount Melville, impeached of high crimes and misdemeanors. The members of the house of commons having withdrawn, the articles were read at the table by the clerk.

Lord *Hawkesbury* then moved, that a committee should be appointed to search the journals for precedents of their lordships proceedings in cases of Impeachment.—Ordered, and that all the lords present be of the same committee. His lordship next moved, that a copy of the said Articles be granted to Henry lord viscount Melville within one month; and that the said Henry lord viscount Melville should put in his answer on the second day of the next session of parliament.—Ordered.

[TROTTER'S INDEMNITY BILL.]—The order for the commitment of this bill being read,

The Lord *Chancellor* quitted the wool sack, and delivered his sentiments with respect to the above bill. In the course of his observations, he said, the present was a bill of as much importance as any that ever came under their lordships' consideration; and he was surprised that those who supported the measure should have urged its progress so far, without stating any thing of the grounds or principles upon which they thought the house ought to adopt it. However, as the subject presented itself, with reference to the proceedings at the bar that day, and what was set forth in the preamble of the bill, it was worthy of the most serious consideration of the house. His lordship then referred to certain parts of the preamble of the bill, as the statement of the resolution of the commons to impeach lord viscount Melville of high crimes and misdemeanours; the statement of certain acts, being contrary to law,

&c. This last called upon them, by their agreeing to the bill, to admit previously, that the acts alluded to were contrary to law. To such an implication, as well as to the generality of the language of that part of the bill, he must seriously object; besides, they were called upon to enact that which had reference to the articles of Impeachment, which had been just read, and of which it was impossible the house could as yet be masters of their contents. The preamble of the bill contained three propositions, respecting which they had no information. One referring to the Impeachment before they knew what it was; a second referring to certain acts done; which acts they knew nothing of; and a third and most serious consideration, was the proposed indemnity from civil actions and suits; not only on the part of his majesty or the public, but on the part of individuals. In this view of the case, their lordships could not consistently proceed, without adequate information. The bill went further, it proposed to indemnify for all acts illegally done, whether connected with the impeachment or not. Adverting to the consideration of the objects of the bill, being accomplices in the facts charged in the impeachment, his Lordship stated the rules and provisions of the existing laws, with respect to the evidence of accomplices; particularly the acts of king William and queen Anne; respecting burglaries and other offences; and argued for the propriety of adhering to the principles of that part of the law. He adverted to the cases of sir Thomas Coke, the earl of Macclesfield, and the proceedings in contemplation of the impeachment of lord Orford; upon which occasions the conduct of the house either was different, or held by the first authorities at the time that it should have been, from that which it was proposed to be, in the instance of the present. He highly disapproved of the indemnifications in the way proposed, especially with respect to civil suits, which he considered, in effect, as giving a witness money for his evidence; as the bill proceeded upon the supposition, that there might be demands upon the parties by civil suits, from which it was proposed to indemnify them. To this principle he could not agree; the bill required to be materially altered and amended, ere that house could, consistently with its duty, countenance it. For those purposes, he should not object to the bill's going to a committee; but, for the better security of all that was done then, it would be preferable to act upon the known and established principles of the law in these respects; and he conjured their lordships, with regard to the measure in question, not to go too far, which might lead to consequences, the injurious effects and operations of which, it was impossible to foresee.

Lord *Holland*, in answer to the arguments of the noble and learned Lord, spoke at some length. He contended that the case before them did not admit of those constructions, which the noble lord on the woolsack had given them, and that the cases referred to did not bear, in respect to the case under consideration, in the way he had stated. With respect to the information which was so strongly insisted upon as necessary, that already before the house, in the reports from the commiffioners of naval enquiry, constituted by the legislature, and the different reports sent up from the other house, together with the articles of impeachment, was he thought, sufficient to enable them duly to take the bill into consideration. The parties who were the objects of the bill, were as strictly defined as those in the case of lord Macclesfield. They were those who served in the navy pay office, under the treasurership of lord viscount Melville, and limited in number. The indemnity was proposed, without reference to whether their evidence should be in favour of viscount Melville or not. A true and correct testimony was the object aimed at; and their lordships should not be over scrupulous in a case, wherein, on similar occasions, notwithstanding what was advanced by the learned lord, their ancestors were not scrupulous at all. It was for the interest of truth and justice, and not with reference to what might be the event of the trial of lord viscount Melville, that they were called upon to pass the bill. Neither, he contended, would their passing it go in the least to prejudge the case of lord viscount Melville; and, as to that part of the wording, "contrary to law," he conceived, that all bills of indemnity were for no other, than for acts contrary to law; but they bore a construction different from that put upon them by the noble and learned lord. As to any language which might be incorrect, and not essential to the object of the bill, it might be amended in the committee; but, with respect to the objection against the indemnity for civil suits, their lordships should consider how far, without it, it would be practicable to obtain the necessary evidence, either for the vindication of the character of a noble member of that house, if innocent, on the one hand, or of the interests of the public and of truth and justice on the other. —On these grounds he hoped no alterations would be made in the bill tending to defeat an object which was equally evident and laudable.

Lord *Hawkesbury* professed himself friendly to the principle of the bill, which was a fair one, and borne out by precedent and the practice of parliament. He thought there was evidence sufficient to induce them to entertain the measure, in those documents alluded to by his noble friend; and, as coming from the grand inquest of the nation, it was therefore admissible in point of principle.—The questions which remained, involved the nature and effect of the provisions of the bill, and the probability, whether those could be so corrected and amended in a committee, as to induce them, upon the whole, to agree to the measure. He, therefore, could not object to the bill going to a committee. As to the words objected to by his noble and learned friend, they might be left out, or any other, which would not produce inconvenience, affect the principle of the bill, or frustrate the objects of those who brought it forward. With respect to the latter clauses—those indemnifying the parties from all civil suits and applications—it was, he thought, an unheard of extension of the principle, and would tend to set a precedent of a very dangerous nature. In this view, it should be considered what might be done with a reference to the desired object, without the interference of the legislature, as in the instance of the Attorney-General's entering a *noli prosequi*, in the case of a criminal proceeding, which would leave the parties liable to a civil action. His lordship then referred to a part of the provisions of the bill, and which had a prospective operation, with respect to an indemnity against all civil actions, as well as criminal prosecutions, and which, he confessed, appeared to him to be so violent and outrageous an extension of the principle, as, he thought, could never be seriously in the contemplation of the promoters of the bill. He adverted to the propriety of limiting the indemnities, with reference to the circumstances of the pending impeachment, and of placing the parties in that situation, in which a *noli prosequi* would leave them. At the same time, at the close of the session, he thought as little delay as possible should obtain; and that it would be better to let the bill go through its two next stages, and consider the proposed alterations on the third reading.

Lord *Sidmouth* shortly delivered his sentiments. He agreed in a great deal of what fell from his noble friend who spoke last upon the subject, and thought the objections made to the language of the bill were such as might easily be obviated in a committee; but he thought it would be a lamentable consideration were the bill altered in such a way as to throw obstacles in the way of attaining the evidence necessary for the ends of substantial justice on the one side, or of establishing the innocence of the individual accused on the other. He thought that all due facilities should be given, and that they might confide in the vigilance of the noble lord on the woolsack, that no illegitimate measure should be resorted to. After a few words from the lord Chancellor, the bill passed through the committee, was reported, and on the motion of lord Hawkesbury, ordered to be read a third time to-morrow, it being understood that the amendments were to be proposed on the third reading.

[SMUGGLING PREVENTION BILL.]—Lord *Holland* opposed the bill proceeding any further during the present session, on the grounds that it was a bill of the highest importance to the best and dearest rights and privileges of the inhabitants of the islands of Jersey and Guernsey; that considerable doubts were entertained by the inhabitants of those islands, which doubts had been strongly supported by counsel in both houses, whether the Parliament had a right to legislate for those islands, it having been the custom, time out of mind, for the king in council to be their sole legislator. He did not say that he was prepared to admit those arguments, as to the rights of legislation; but he could have no doubts on his own mind, that if the inhabitants of those islands entertained such sentiments, the passing of this act could not fail to engender discontents, the effects of which would be highly injurious to the interests of this country. His lordship went into a considerable length of argument on the great hardship and oppression of many of the clauses, which empowered Custom-house officers to bring persons, who were only passengers on board vessels in which contraband goods were found, to any part of the united kingdom, to be tried by laws of which they were totally ignorant, and before tribunals to which they were utter strangers. He was certain, he said, that those who framed the bill, and those who had passed it in another house, did not understand the nature of many parts of it; for they had enacted, that persons committing offences against the act, should be brought to answer before the justice of the peace—a description of persons altogether unknown and unheard of in either of the islands. He complained of the late period of the session in which the bill had been brought forward in that house, and the very hasty manner in which it was attempted to be hurried through. He entreated their lordships to pause—to consider well the many inaccuracies—to say the least of them, to which he had alluded, the numerous mischiefs to which the bill might give rise, and that they would consent to defer it to the next session, when it might be more seriously and fully considered. He therefore moved, that the chairman do leave the chair, and report progress.

Lord *Hawkesbury* allowed the lateness of the session, and the immense press of business which was now before the house for its consideration; if, however, such was ever excusable, it was during the present session. He differed, however, from his noble friend who spoke last, as to the principle of the bill. The islands of Guernsey and Jersey were well known to be a great *entrepôt* for various kinds of merchandise; they, of course, became a great *entrepôt* for smuggling also; and the state of our trade required that smuggling should be suppressed as much and as speedily as possible, particularly in those islands, in and from which it was carried on to an amazing extent. The bill, he allowed, was of the highest importance, and, as such, it had received the fullest and most serious consideration. It had been before the other house ever since the 10th of April; had been repeatedly discussed; counsel had been fully heard against it in both houses; the people of Jersey had made no objection to it; and, for all those reasons, it had his decided support.

The Duke of *Clarence* objected to so important a question being brought forward at so late a period of the session. He regretted he had not had an opportunity of hearing the counsel at the bar on a former occasion. His royal highness observed, he had been more than once in the islands of Jersey and Guernsey, and could vouch for the loyalty and attachment of the inhabitants to the government of this kingdom. In the year 1783 it was the wish of government to employ officers to prevent smuggling; and it was then found, that vessels of very small construction only could be serviceable. It was impossible for French vessels to navigate near Normandy, without coming within a few leagues of those islands. Exclusive of the lateness of the session, he considered this by no means the proper time for considering a question of so serious importance. The officers who were employed upon that service, thought that such a measure was certainly necessary; but they considered that this was by no means the time for entertaining the question; he therefore gave his decided opposition to the further progress of the bill.

Lord *Holland* shortly explained. He thought the bill replete with inconveniences, and must give rise to many difficulties and disputes, and if not rejected altogether, he at least wished it should not take place till next session. Lords Hawkesbury and Holland severally explained, when the question for the Chairman leaving the chair, was put, and negatived without a division. The first clause was then read in the committee, and lord Holland moved, "that this clause should be omitted," when a division took place, and the numbers appeared, for retaining the clause 19—for rejecting it 7.—Majority against lord Holland's motion 12. The several other clauses were then read, the house resumed, and the report ordered to be received to-morrow.

PADDINGTON CANAL COAL BILL.]—The Marquis of *Buckingham* presented a Petition from a number of inhabitants of the county of Middlesex, against the bill for restricting the quantity of Coals to be brought to London by the Paddington Canal, and for imposing a duty on them. The house having gone into a committee on the bill, the noble marquis stated his objections to it, as tending severely to affect the lower orders.—The coals in question were chiefly used by the bakers, so that any duty on them would necessarily increase the price of bread. Several manufactories, worked by steam, had been erected within the limits of the operation of the bill, (twenty five miles from London,) which must inevitably stop working.—He should be more scrupulous in opposing the measure, if it were one intended as a means of supply to the revenue; but as it was merely a local regulation, he moved that the chairman do leave the chair, with the intention of afterwards proposing, that the bill should be read a third time this day three months.

Lord *Harrowby* defended the bill, contending that it protected the Newcastle trade, which it was well known was of inestimable value to Great Britain, as a nursery for her seamen; and that so far from lessening the quantity of coals to be brought to the London market, it permitted the introduction of what was totally prohibited. The marquis of Buckingham persisting in his motion, the house divided. Contents 13—Non-contents 8—Majority 5. The different clauses of the bill then underwent considerable discussion, in which the marquis of Buckingham, lord Harrowby, the duke of

Montrose, the duke of Norfolk, lord Holland, and lord Hawkesbury, participated.—It chiefly related to the mode of conveying to the pit and barge owners, the information, when the limited quantity, (50,000 tons) had passed the boundary, to the duty which the bill appeared to impose on the cinders of sea coal, sent by the canal into the country, as manure, &c. and to the object of which the duties were to be levied. Several amendments proposed by the marquis of Buckingham were at length agreed to be deferred till the third reading, for the purpose of facilitating the progress of the bill.

[DUKE OF ATHOLL'S CLAIM.]—On the motion for going into a committee on the duke of Atholl's Annuity bill,

The Marquis of *Buckingham* put it to the candour of noble lords, whether in the exhausted state in which they were, it would be proper or decorous to go into a committee on the bill at that late hour of the night. The papers which had been moved for, had not been printed, or, if they had, he had not been fortunate enough to procure a copy of them, and consequently he, and he presumed many other noble lords were in the same state, was but ill prepared to enter at that hour upon the consideration of the bill. It was also impossible that the counsel, who could only have known early this morning, or late last night, that they would be heard at the bar against the bill, could have had sufficient time to prepare themselves. For those reasons he trusted the bill would not be proceeded in to night. He moved that the house should now adjourn,

The Earl of *Westmoreland* was of opinion the bill had undergone as ample a discussion as was necessary. He objected to the adjournment proposed by the noble marquis.—On a division, the motion for adjournment was rejected by a majority of 45 to 12, proxies included.

The house having at length resolved itself into a committee on the bill, Mr. Romilly was heard on the part of the Keys, or Representatives of the people of the Isle of Man, as to the interest which they had in the passing of the bill. Counsel having withdrawn,

The Earl of *Westmoreland* observed, that he thought the petitioners had no more right to come to the bar to oppose the bill, than any other of his majesty's subjects.

The Lord *Chancellor* stated, that the learned counsel, in his opinion, had not made out that species of interest in his clients, the house of Keys, which would entitle them to be heard, or to bring evidence to the bar against the bill.

The Marquis of *Buckingham* expressed himself against further proceeding in the bill in the present session. The allegations in the bill were proved at the bar, by the counsel for the duke of Atholl. The preamble of the bill was postponed. On the motion, by the duke of Norfolk, that the Annuity clause should be postponed, the house divided, when it was rejected by a majority of 19 to 5. The several clauses of the bill were afterwards gone through, the bill was reported without amendments, and ordered to be read a third time to-morrow—Adjourned.

HOUSE OF COMMONS.

Tuesday, July 9.

[IMPEACHMENT OF LORD MELVILLE.]—Mr. *Whitbread* moved, that the engrossed articles of Impeachment against Henry lord viscount Melville, be read; which were read accordingly; on which the hon. member moved that they be carried to the lords.—Ordered. It was then ordered, on the motion of earl Temple, that Mr. Whitbread do carry the articles to the lords, which he instantly did, accompanied by many members; and on his return acquainted the house from the bar, that he had delivered the articles of Impeachment, pursuant to the order of the house, at the bar of the house of lords.

Mr. *Whitbread*, pursuant to notice, rose to move for leave to bring in a bill to continue the powers of the committee during the recess. In consequence of what he had before stated, it would be unnecessary for him to take up much of the time of the house. The measure he proposed was undoubtedly a deviation from the constitutional forms; but as every such deviation was justifiable, on the ground of the expediency that existed for it, the question then was whether such a degree of expediency existed in the present instance, as would justify such a deviation. Cases of impeachment had not frequently occurred, and when they did, it was on very grave and serious grounds.—The house of commons had voted an Impeachment in the present instance against Henry lord viscount Melville, and it would be to be regretted that the object of it should be defeated by any accident that might occur. The house was aware that the Impeachment had been voted at a late period of the session. The committee that had been appointed to draw up the articles of Impeachment, had set every day without intermission. Many witnesses remained yet to be examined, one of whom he had mentioned the preceding day. That person had since arrived from Scotland, and might undoubtedly be examined before the prorogation. But there were other witnesses from that quarter, whom it would be desirable to examine as soon as possible. If the other house should agree to the indemnity bill, it would be desirable also to examine Mr. Trotter without delay. These were the grounds upon which the committee felt it their duty to submit this proposition to the house. If the house should agree to it, they would unquestionably grant large powers, which he was confident would be exercised with moderation. At the same time, if the house should not be disposed to grant these powers, it was not his intention to press the proposition. If any case should occur to defeat the proceedings already taken, neither the committee nor he would think they had discharged their duty, if they had not submitted such a proposition to the house. The hon. member them moved, that leave be given to bring in a bill, that the proceedings now pending before parliament for the Impeachment of lord Melville should be continued notwithstanding any prorogation or dissolution of parliament; and that the committee of Impeachment do continue to sit, notwithstanding any prorogation or dissolution of parliament.

The *Chancellor of the Exchequer* felt that it would be necessary for him to say but a very few words indeed, as the hon. gent. himself had admitted that his proposition was liable to grave objections; to him the objections seemed insurmountable. The motion, if agreed to, would amount to a direct inroad upon the constitution. Nothing could be more certain, than that his majesty possessed constitutionally the prerogative of putting an end to their deliberations, either by prorogation or dissolution, which would be virtually taken away by a measure of the nature of that proposed. There was not a single instance of a similar mode of proceeding, except in such periods of our history as the house would not be much inclined to draw into precedent. It was only for gave and weighty reasons that he could bring himself to object to any thing proposed for the purpose of promoting the views of the house in the present instance. But he felt that any degree of inconvenience that might be apprehended was better, than in order to obviate it to commit a breach of the principles of the constitution. He felt, therefore, that no ground had been laid for the measure, because the utmost inconvenience that could arise would be, that the committee could not continue their functions a few days longer now, but might employ themselves on the same subject a few days in the beginning of next session, because it was not to be supposed that the house would proceed with the Impeachment in the earliest days after their meeting. The only question therefore was, whether the committee should sit a certain number of days at the commencement of next session, or the house should adopt a measure that would break down the barriers of the constitution.

Earl *Temple* agreed with his hon. friend (Mr. Whitbread), that this motion should not be pressed against the sense of the house; but did not think that his right hon. relation had stated the question fully. The question was not, whether they should have the power of examining now such witnesses as they might next session examine, but, if the other branches of the legislature should pass the indemnity bill, whether they should not have an opportunity of getting the evidence which that was calculated to procure, before any improper impressions should be made, that might interfere with it.

Mr. *C. Wynne* thought there was another inconvenience which might be remedied by the bill, and which had not been noticed by his noble relation. The death of Mr. Trotter might withdraw him altogether from examination, and if the committee were to have the benefit of his evidence immediately in the event of the bill passing, it might lead to other sources of information.

Mr. *Whitbread* proposed that the objectionable part should be left out of his motion, and trusted that there would be no objection to pass a bill for continuing the proceeding already taken and now pending, notwithstanding any prorogation or dissolution of parliament, as in the case of Mr. Hasting's impeachment.

Lord *Henry Petty* accordingly moved the amendment, that the part of the motion which related to the sitting of the committee be left out; but on the suggestion of the Chancellor of the Exchequer the motion was put in the exact terms of the precedent in Mr. Hastings's case, "for leave to bring in a bill to provide, that the proceedings now pending before parliament for the Impeachment of Henry lord viscount Melville shall not be discontinued notwithstanding any prorogation or dissolution of parliament."—The motion was agreed to, and the committee of Impeachment ordered to prepare and bring in the bill.

[CASE OF CAPTAIN WRIGHT.]—Mr. *Windham* felt it to be his duty, previously to the separation of the house for the session, to recall to their recollection a subject of much interest, which he had twice before had occasion to mention, once at the close of the last session and again at the commencement of the present. This was the case of Captain Wright, an officer who had been captured with his ship, when serving on the high seas in the regular course of his profession, and with his majesty's commission in his pocket. This was material to shew that his case was not distinguished by any circumstances from that of the other prisoners of war; but the French emperor, it appeared, thought he had been employed on other services, as in landing men upon the coast of France, which placed him on a different footing from prisoners of war. When questioned on this head, Captain Wright very properly, and as might have been expected from men even far less determined than he, refused to give an answer though menaced, not obscurely, with proceedings that went to affect his life. Nothing so atrocious, however, had been perpetrated, but he had been committed a close prisoner to the temple, denied pen, ink, and paper, and excluded from all communication with persons without. The severity of the confinement there could be explained from experience by a gallant officer then in his eye (sir Sidney Smith), who had, after escaping confinement there, nobly revenged himself upon his oppressors by his illustrious exploits in the defence of Acre; exploits, he would venture to say, not to be exceeded by any thing which could be found in the naval or military annals of any country. As to the truth of the charge against Captain Wright, he thought it unnecessary to enquire into it; it being a matter of perfect indifference for the present purpose whether it was true or not. Nobody, he supposed, would contend, that to put on shore upon an enemy's coast persons meaning to excite commotion or insurrection, was contrary to the laws of war. If it was, what would become of all which the French had done during the course of the last war, in landing Tandy and others on the coast of Ireland? If men so landed were not of the nation on whose coast they landed, and yet did not avow themselves as enemies, they were liable to be treated as spies. If they were subjects of that nation, they might be treated as rebels or traitors: but neither in one case or the other, was there any ground for charging with a breach of the laws of war those by whom they were landed. The fact was, that the hostility of the French emperor to captain Wright arose from his having been the close friend and intimate associate of the gallant officer to whom he had before alluded. How captain Wright was to be relieved now, he could not say; and though that officer had every claim on the country, his relief was not the principal consideration, but the prevention of similar acts of violence in future. Retaliation in the first instance was the only means of preventing such violence. The omission of that retaliation was as much as to tell Bonaparte he might do what he pleased, and we should not retaliate for fear of what he should afterwards do. If we were once to admit this, it would amount to a confession of inferiority, which must have the most fatal effect upon the country and upon every man employed in its service. What officer would enter a service when exposed to such violence?—But what people would not flock to it, if assured that any unwarrantable violence offered them would be repelled with the whole weight of the nation?—This principle, he was sorry to say, had suffered considerable relaxation in its application towards the enemy with whom we have had to do in the last and present war. The admission of inferiority that would follow from our being afraid to retaliate would be the most grievous degradation. It had been said, that Bonaparte had a hold upon us through the persons that had been detained at the commencement of the war at Verdun. These were no doubt so many hostages, but not distinguishable from those who became hostages by being made prisoners of war in the service of their country. If they were to be distinguished, as many of them undoubtedly might, it was in a way not to entitle them to any preference. If they had not less, they had not greater claims upon the feelings of the country, especially such as had gone to France for amusement without business or necessity. So far, he stated, if it should be supposed that retaliation would be productive of the intended apprehended consequences. But what ground was there to suppose that it would be productive of such consequences? The French emperor, great as he was, was not released from the obligations of public faith, nor without the reach of the public opinion of his subjects, on whom the effects of the retaliation would fall. He saw that the attempt would be made with infinitely less advantage late than at first. Without pretending to answer for it now, or at any time, he was strongly of opinion that it would have been effectual in the first instance. It must be grievously affecting to the country to know, that a meritorious officer had been suffered to languish under severity which he had drawn upon himself by his meritorious exertions in its service. He had mentioned this subject last session, and had been given to understand that some steps would be taken. If he were to proceed with the business now, he should conclude what he had to say with a motion for an account of what steps had been taken. He should omit that, however, as long as he had any ground to hope that further measures would be taken during the recess; and he should confine himself now to a notice, that if no such steps should be taken, he would bring the matter before parliament early next session.—No reply was made to the right hon. gentleman.—Adjourned.

HOUSE OF LORDS.

Wednesday, July 10.

[MINUTES.]—Judgment was given in the Appeal Cause Redington against Redington. The decree of the Court of Exchequer in Ireland was reversed as to part of the matter in dispute, and a reference was made with respect to the other part, back to that court.—The royal assent was given, by commission, to sixty-nine public and private bills. The commissioners were the Lord Chancellor, the duke of Montrose, and lord Walsingham.—The Consolidated Fund bill, the Plate Glass Duty bill, and the Smuggling bill, were read a third time and passed.—Mr. Whitbread, Mr. Calcraft, Mr. Fuller, Mr. Giddy, and several other members of the house of commons, brought up the bill for continuing the proceedings relative to the impeachment of lord Melville notwithstanding any prorogation of parliament; which was read a first time, and some private bills were returned agreed to.—On the motion for the third reading of the bill to amend the act respecting bankrupts having privilege of parliament, the duke of Norfolk said, he objected neither to the principle nor policy of the bill; but he thought it required some amendment in this instance, that any person who should chuse to sue out a statute of bankruptcy against a member of parliament who never had any transactions in the way of trading, may compel his appearance. This ought to be guarded against as an absurdity, however unlikely it was that the inconvenience should arise. The Lord Chancellor said, the bill only went to this, to enable the court to put in an appearance for a bankrupt, a member of parliament, where a personal summons had been served on him; and this was to supersede the necessity of the *distringas*, which was greatly burthensome to the plaintiff, and often ruinous to the defendant. The bill was then read the third time, and passed.—The duke of Norfolk moved, that the articles of impeachment against lord viscount Melville be printed, for the use of this house only. The Lord Chancellor said, he presumed the noble duke, by using the word *only*, meant to restrict the use of the printed articles emphatically to the house, and he much approved of the intention.—Ordered.

[TROTTER'S INDEMNITY BILL.]—The order of the day, for the third reading of this bill being moved,

The *Lord Chancellor* rose, and introduced the amendments he intended to propose in the bill. The greater part of these was to connect the wording and phraseology in different parts of the bill: first, with respect to the mode of expressing the impeachment of lord Melville, as set forth in the bill; secondly, with respect to a better mode of expressing definitely, who the persons were it was proposed to indemnify; and, with respect to this part of the bill, his lordship observed, they would attain a certain and definite description of persons, by leaving out the word "certain." Some further alterations were of this general description. With respect to the consideration of what the parties were to be indemnified from, it was of a more serious and important nature, and required the most cautious deliberation on the part of that house: this involved two propositions; the first, relative to an indemnification against criminal prosecutions; the second respected indemnity against civil actions or suits. With regard to the latter, there had been but one sad instance in the history of parliaments of an indemnification from civil suits for evidence to be given; namely, the case of sir Thomas Coke; but that was only from suits on the part of the East India Company, his employers; but not against third persons, or demands of the king or public, or individuals in general, as was the construction admitted by the present bill. There never was an instance known, and it was contrary to every principle of law, that persons should be excused from giving answers in a court of justice, because such answers might possibly shew that other individuals had demands against them. Were there no other peer to support him on the occasion, he hoped his conduct should go down to posterity, in having stood forward alone to resist such a proceeding. Suppose a witness, who had pocketed one hundred thousand pounds of the public money, was brought forward against a person charged with a less weighty offence, and to be told he should be protected against any civil suit, for having robbed the public of so much, provided he gave them such and such evidence, though he might be compelled to do it, were he protected from criminal prosecutions only, would it not, he asked, be a strong temptation to such witness? Dwelling farther upon this point, his lordship stated his intention to propose the omission of that part which indemnified the parties from civil suits; and he would also propose some amendments, to confine the indemnities to acts which had reference only to the impeachment. Another objection he entertained was, that the bill was not sufficiently efficacious, in case such evidence as was required were not given; as in the case of a king's evidence in the courts below; that consideration involved, he thought, insuperable difficulties; upon the whole, he should regard it as one of the most blameable acts of his life, did he consent to such an indemnification from civil suits; and, were such determined on by the house, he would, if single, protest against it. The noble and learned lord then regularly proposed amendments to the above effect; and, lastly, to leave out the words, "and civil suits."

The Duke of *Norfolk* was of opinion, in his view of the case, that this important omission proposed by the noble lord would go to frustrate the object of the bill; neither did he think that part of the bill would go to protect the parties from suits generally from other individuals, but merely for acts done under the Treasurer of the Navy. The object of the bill was substantial public justice, and, to attain that, some sacrifices might be made; a free unbiassed testimony was the object in view, and this might as well operate in favour of the accused individual as against him.

Lord *Hawkesbury* thought the noble duke incorrect in his opinion as to the extent of the bill in its present shape: that part of the clause went to indemnify for all acts done, either with respect to the crown, or to individuals, while in the office under the treasurership of viscount Melville. In this, the wording of the bill bore him out. The professed amendment, he thought, might be ameliorated, by confining the indemnification to civil suits, on the part of his majesty, his heirs, or successors, which would leave the parties open to actions brought by individuals.

Lord *Sidmouth* was not convinced of the propriety of leaving out that part of the bill which went to afford the witnesses protection against civil suits. Such a provision was, under the circumstances of the case, he thought, conducive to the ends of public justice: the witnesses should be freed from the apprehension of suit or prosecution. The proposed amendment would, probably, cause the loss of the bill that session; and he should, therefore object to it.

The *Lord Chancellor* spoke at some length in explanation. In a case, he observed, where an individual, upon a weighty charge, went to be tried in a solemn manner by his peers, he held it to be his duty to the house and the public, to resist the passing of a bill, which, in its present shape, would operate as an *ex post facto* law. As the bill came up to them, and at such a period, the question was reduced to, whether they should pass it next session with due consideration, or pass it this session without any consideration at all? He enlarged on and enforced his former arguments, against the principle on which the indemnity from civil suits proceeded. Impeachments, though rare, proceeded upon the same principle with other prosecutions: from the articles, it was discernable, that some individuals had made immense sums; and where was the difference, in the effect, in giving a witness so much money for particular evidence; or suffering him to keep so much of the public money, of which he was already possessed? As the law now stood, with reference to civil indemnity, an individual was bound to give evidence, an individual was bound to restore the public their money. Why, then, should a bargain be made, allowing an individual to keep that money, for consenting to give evidence, which he was at present compellable to give, provided he were secured from criminal prosecution? With respect to such a decision, he could almost say with lord Hardwicke—"I protest to God, I would almost as lief be the object of such a bill as give my consent to its passing, if it be not altered in these respects."—In concluding, he again suggested the propriety of postponing the discussion of a bill of such novelty and peculiar importance, until next session.

Lord *Sidmouth* spoke in explanation, and adverted to some doubts entertained by high legal authorities, with respect to the considerations of how far witnesses in the cases adverted to by the noble and learned lord; were compellable to answer; but for the deliberate and decided opinion of his noble and learned friend, he had so high an estimation, that, as he thought, that witnesses were protected from criminal processes, they were bound, as the law stood, to answer the questions put to them; he should, under that impression, no longer resist the proposed amendment.

The *Lord Chancellor* spoke in farther explanation, and, adverting to the legal doubts alluded to by the noble viscount, begged leave to observe, that what he advanced was merely his own individual opinion, and, as such, he wished it to be understood. With respect to the doubts thrown out, relative to the power of witnesses to demur in such cases, it was an additional argument for deferring the consideration of the bill till the next session, when they might have the benefit of the Judges' opinions.

The Earl of *Buckinghamshire* said, that relying on the authority of the noble and learned lord on the woolsack, as to the point of law, he would not oppose the amendment.

Lord *Minto* entered into a detailed consideration of the subject; and, from the positions advanced, drew inferences, in many cases, very different from those stated by the noble lord on the woolsack. He adverted to some precedents, which, he thought, furnished cases in point; and one even of a stronger nature, than that involved by the bill. With respect to the civil suit, he argued, that, in the mode in which it might be applicable to the individuals in question, it would have the effect of a criminal prosecution. On this point, he laid particular stress, and seemed of opinion, the proposed amendments would frustrate the whole purpose of the bill.

The *Lord Chancellor* again quitted the woolsack, and replied to some points adverted to by the noble lord, who had just sat down. The question at length resolved into, whether the parties should be indemnified from the civil suits, or from the criminal process only? On this head, he retained his opinion, but repeated, that he advanced it as his opinion only.

Lord *Mulgrave* observed, that it was a mere matter of discretion with the public whether they would adopt a civil or a criminal process, as was evident from the votes of the other house. The public had now made their option; they had given up the one and determined on following up the other mode. There could not be any danger justly apprehended from the precedent, as the right was manifest from the circumstance of the other chamber of parliament having first made choice of one course of proceeding, and having afterwards resolved on pursuing another.

The Earl of *Carysfort* recommended to their lordships that further consideration should be given to the great principles of law, which, by such a measure as the present, might possibly be materially affected in the practice hereafter, if this bill were to pass in its present form. It was unparliamentary to express any apprehension of the close of the session, or of the dissolution of parliament, as the ground for hurrying a measure of importance through the house. Their lordships had heard the opinion of a noble and learned lord, high in rank, and high in respectability; but still he thought that it would be extremely desirable that the opinions of the judges should be had upon a point, about which serious doubts were entertained.

The *Lord Chancellor* expressed his deep regret at not having an opportunity to ask the noble lord who presided in the chief court of law, upon the question now under discussion. As his opinion seemed to have great weight with some noble lords, and as he might possibly be wrong, he asked their lordships whether it would not be better that they should be certainly right, than for that legislative house of parliament to run the risk of being wrong upon a point of law, for the sake of a week's expedition in almost any measure of importance that could be brought before them? Seeing, as he did, in the strongest point of view, the propriety and necessity of taking the opinion of the law lords on this question, he should move that the question be adjourned, in order that time be given for taking the opinion of the judges on it.

Lord *Sidmouth* rejoiced to find that his noble and learned friend had at length agreed to the proposition of referring the point in doubt to the opinion of the judges. He knew that he had the authority of that most excellent propounder of the laws, lord Kenyon; he had also the opinion of a man, whose name, though he was not clothed with any judicial authority, or judicial honours, must give the greatest degree of weight and authority to any maxim that received its sanction, that it was possible for the name of any man in such a situation to add to an opinion. But, though he had such high and respectable authorities on his side, he thought that it would be most candid to have a reference to the judges, and he only lamented that such an idea had not entered the mind of any noble lord in an earlier stage of the business.—After some further discussion it was agreed that the bill should pass as far as its provisions extended to indemnity against criminal proceeding, with an understanding, however, that if the opinion of the judges should be favourable to the measure, it should be competent to any noble lord to bring in a short bill as soon as possible for the further extension of the indemnity. The necessary amendments were then made, and the bill thus amended received the sanction of the authority of this house.

[Duke of Atholl's Claim.]—On the question for the third reading of the bill for granting additional compensation to the Atholl family,

The Marquis of *Buckingham* rose to oppose it. He went into a variety of argument and detail, proving that there was no such thing as sovereignty belonging to the lords of Man; but that all they possessed was merely the *dominium*, which was only lordship, and had been so translated into our acts of parliament. The title had never been more than that of lord or lady of the Isle of Man. The ecclesiastical establishment of the isle, so far from acknowledging the lord of Man, was entirely under the controul of English acts of parliament. The monasteries were suppressed, and the church property that was seized was taken for the use, not of the lord of the isle, but by and for the king of England, under the act of parliament of Henry the eighth. There were, the noble marquis contended, many instances of similar jurisdictions with that of the Isle of Man, such as the counties palatine, &c. in this country. He then referred to Taylor's elements of the civil law, who, in investigating matters of this nature, observed, that private persons had frequently territories allotted to them, reserving always the public right; the *imperium* belonging to the king, and the *dominium* constituted the lordship; and this was held by a sergeantry, or petty sergeantry of various kinds. Whatever their lordships might choose to do in this business, they ought to drop the mention of the word sovereignty, since in point of fact it never had existed.—If there were any ground laid for making this claim, it was only on the increase of the revenues. In the whole of the original transaction of the compact, there was an anxious wish on the part of government to do justice. If the present case was an appeal to liberality, there was also the policy of the case to be considered; and the noble viscount (Sidmouth) whom he did not now see in his place, had last night detailed various reasons against opening or disturbing the compact. The negotiation was not precipitate. It was begun in the year 1761 with Mr. Pelham, who entrusted it to Mr. Grenville, and a great variety of documents took up the attention of ministers for a long time. Could the house shut their eyes upon all the opinions of great and eminent law officers given from that time to this, the opinion of lord Rosslyn, sir James Manners, Mr. Wallace, and other gentlemen, as well as those of the law officers of the present day? The original compact had been termed matter of history. He wished that forty years hence the present transaction would merit as favourable a recollection as that which took place forty years ago. He considered it to be impossible to estimate the compensation according to any standard or criterion whatever. The bill stated loosely one-fourth of the revenue, which might amount to a very great sum.—He saw plainly, that under the operation of this question the islanders had suffered greatly. They have had, however, the advantage of parliamentary protection, and he trusted they felt grateful. We had gained, indeed, the loyalty and affection of thirty thousand subjects; and they must see how we have excited their energy. Having stated these things, he should allude to a clause in the bill, partly, indeed, on a personal account.—The money was to be paid at the Exchequer, and the public officer was to be rendered responsible and exposed to the law for any delay in the payment. Cases might occur to justify such a delay. He then instanced the case of the heir of Penderell, now before the court of Chancery, and stated difficulties that might occur in the case of the heirs general of the earl of Derby. Before he sat down, he begged to repeat, that, in what he had stated, he had only delivered his conscientious opinion on this subject, and in nothing he had said, had he intended any kind of disrespect to the noble family who were the present claimants.

The Earl of *Westmoreland* replied to the arguments that had been urged against the bill; he considered that the transfer was altogether compulsory on the part of the Atholl family, as appeared by the evidence of sir Fletcher Norton, his Majesty's attorney general, who stated in the house of commons as a witness, that he had heard the late duke express great sorrow upon the occasion, and say that he would not take double what was offered him as a compensation, if he was not afraid of the consequences of the bill, which was then about to be brought forward, respecting the customs of the Island. This appeared to him sufficient proof that the sale was a compulsory one against the late duke of Atholl, and that if the terms were not fair at that time, the present duke had a right to compensation. The customs of the Isle of Man were no less than 7,000*l.* per annum when the act was passed; and as the act itself referred to a schedule of those customs, he could not but think they formed the principal consideration for which the sum of

70,000*l.* was given. If so, it was evident that such a sum was grossly inadequate.—There was another circumstance which, in his opinion, vitiated the whole transaction, and he wished that the learned lords would express their opinions of it in point of law.—When a tenant for life (and the dutchess-dowager was no more) in the sale of property entailed, accepts of a private *douceur* for himself, he always conceived that that circumstance would overturn the bargain, either in a court of law or equity. In this instance, the late duke and the dutchess-dowager accepted of a *douceur* of 2,000*l;* per ann. pension to themselves. This circumstance alone would, he believed, according to the construction of law, impeach the fairness of the transaction.

The *Lord Chancellor* was inclined to consider, that by the rules of equity in common cases, this pension of 2,000*l.* per ann. ought to be applied to the property so entailed, and ought not to have been taken for the separate use of those who were but tenants for life. He was one of those to whom the claim had been originally referred; and he had coincided in the general opinion of the crown lawyers, that there was no reason for considering the compensation inadequate. As to the sovereignty that is now insisted upon, he thought there had been no pretence for claiming it, and as to the custom duties of the island, it was clear they were granted for the purpose of paying the public expences of the island. Upon the whole he considered, that it would be a most alarming precedent now to open again a transaction that had been closed so long as 40 years ago.

The Earl of *Suffolk* opposed the bill as opening a door to numerous claims of the same description.

The Earl of *Carlisle* supported the bill, and considered the claims of sovereignty as very immaterial, provided the rights referred to were admitted.

The Duke of *Norfolk* denied that the allegations in the preamble of the bill were made good, and therefore moved that the bill be recommitted. On this question their lordships divided, Contents 7—Non-contents 25. Majority against the motion 18. Several verbal amendments were then proposed by the marquis of Buckingham, which were rejected. Another division took place on a verbal amendment proposed by his royal highness the duke of Clarence, which was lost by a majority of 25 to 5. The bill was then read a third time, and passed, after a division of 24 against 5.

The following Protest against the bill was entered upon the journals of their lordship's house.

Dissentient: First, "Because the bill in question appears to be grounded on the following recitals, which have not been supported by evidence. The preamble recites that the Isle of Man was granted in Sovereignty by King Henry the 4th, and that the Sovereign rights continued until the 5th year of his present Majesty; and it further recites, that the act of the 12th of George the First, chap. 28, provided for the purchase of these Sovereign rights. But this grant to sir John Stanley, and the said act, do not in point of fact convey, or confirm, or provide for the purchase of Sovereign rights in the Isle of Man; and it was not denied in the course of debate that the legislature of England had uninterruptedly legislated for internal purposes within the said Island. The preamble further recites, that by a certain deed of restriction duly executed by Charlotte, duchess dowager of Atholl, John, duke of Atholl, became entitled to the rights reserved to his family in the Isle of Man, and hath ever since continued to enjoy the same.—But this deed when produced in evidence, purports only to intend to convey—'the rents, profits, and duties of every kind payable now forth and from the Isle of Man; and does not convey any of the other rights reserved: and it appears from evidence that the duchess dowager of Atholl was lady of the Island at the time of passing the act of the 5th year of his present majesty, and has continued to exercise part of the rights reserved to her by that law ever since the act of Restriction, 1774.—The preamble further recites, that there were circumstances attending the resignation of these rights, which make it just and reasonable that a further compensation should be given, and that the duties of customs of the Island belonged to the family of the duke of Atholl, and that a compensation should be given for them to be regulated by their produce. But of these circumstances no evidence was given, nor was it proved to us that the duties in question did so belong, nor was any reason whatsoever urged in the debate to induce us to think that the compensation (if any was to be made) should be regulated by their produce.—Secondly, because the reports made at various times down to the present moment, by the law officers of the crown, on the subject of the claim for further compensation in this matter, were sanctioned and confirmed in the debate by the first legal authorities; and did satisfy us that we are well grounded in our opinion, that sufficient grounds have not been produced in proof that the compensation given by the act of the 5th year of his present majesty, chap. 26, was inadequate.——Thirdly, because the vague and loose manner in which the evidence has been conducted of the nature and extent of the supposed injury, or of the proposed compensation, or of the claim of the duke of Atholl, to be considered as the party to whom that compensation should be granted, forms an additional ground for the jealousy which we entertain on the danger of establishing this precedent for opening for re-consideration, and at a remote period, contracts between the public and individuals. Fourthly.—Because the house having thought proper to reject an amendment proposed in the last clause for the purpose of supplying words evidently omitted by mistake; the act as it now stands enacts a very questionable process, and imposes severe penalties on "the officers of the receipt of his majesty's exchequer, who shall refuse or neglect to pay the said annuity, or yearly rent, or sum, or any part thereof, according to the true intent and meaning of this act, or to do any act necessary to enable the said John duke of Atholl, and the heirs general of the 7th earl of Derby." But, inasmuch as the words proposed to be here added, viz. "to receive the same," were injected, this part of the act is absolutely unintelligible, and was admitted by every lord who spoke in the debate to be inexplicable and of no effect.

(Signed) *Norfolk*, E. M.
William,
Nugent Buckingham,
Carysfort.

[Trotter's Indemnity Bill.]—The *Lord Chancellor* produced a bill which he proposed to be read a first time, for the purpose of obtaining the opinion of the judges on this question, which arose out of the bill of indemnity to those who should give their evidence on the trial of the impeachment of Henry lord viscount Melville, viz. "Whether, by law, a witness can be required to answer a question the answer to which has no tendency to accuse himself, but which may establish, or tend to establish, that he owes a civil debt?" which bill he moved might be now read.

The Earl of *Carnarvon* had no objection to taking the opinion of the judges on this point, as it was desired by the noble and learned lord, but should have been better satisfied if the question had been put upon the bill of Indemnity which came from the commons, and which the house had passed.

The *Lord Chancellor* explained his reason for taking this measure to be this: his opinion had been asked, and he had given it to the house, on the subject of the liability of a witness to answer a question not tending to criminate himself, but tending to establish a civil debt against him. Upon that opinion he might be considered to be bound as if it was unquestionable law; he had given that opinion conscientiously, but to hold him to be bound by it at all events, would be to cast on him a burthen which he ought not to be called upon to bear, for he did not chuse to take upon himself to determine that he was right, on a point which he wished for a further opportunity of considering; for which reason he proposed that the house might have the opinion of the judges upon that question, which opinion might be formed in the course of the recess; for which reason he proposed to put this question to the judges, and moved "that the judges do attend the service of this house to-morrow," which was accordingly ordered, and after the bill had been read a first time, the house adjourned.

HOUSE OF COMMONS.

Wednesday, July 10.

[Minutes.]—A message from the lords acquainted the house, that their lordships had agreed, without any amendment, to the following bills: The Irish Fire Hearth Duty Regulation bill, the Hop Duty bill, the Irish Paper Duty Regulation bill, the Scotch Assessors' bill, the Irish Customs Regulation bill, the Irish Military Survey bill, the Irish Distillery bill, the Irish Property Exemption bill, the Southern Whale Fishery bill, the Quarantine Indemnity bill, the Sugar Drawback bill, the Linen Drawback bill, the Ballast and Lastage bill, the Ipswich Port Duty bill, and to the Thames Tunnel bill with an amendment, to which they desired the concurrence of the house.—Mr. Bulley, from the Exchequer, presented an account of the amount of the produce of the Permanent Taxes, and of the Consolidated Fund; which was ordered to lie on the table.—Mr. Meux, from the East India House, presented two accounts; one, the expence of building the Cornwallis, of 46 guns, at Bombay; the other, the expence of building the Bombay Frigate, of 32 guns. Ordered to lie on the table.—New Writs were ordered for Wigton, &c. in the room of W. Stewart, esq. who had accepted the Chiltern Hundreds; and for Cockermouth, in the room of J. Graham, esq. who had accepted the stewardship of the Hundred of East Hundred.—Sir A. S. Hamond gave notice, that to-morrow he should move that there be laid before the house the memorial of the commissioners of the navy, in answer to the third report of the commissioners of naval enquiry, unless the house would permit him to present it now, which he was prepared to do. Mr. Whitbread having made some observations against the immediate presentment of this memorial, the Speaker interfered, and the notice was ordered to stand for to-morrow.—On the motion of Mr. Long, an humble addrsss was ordered to be presented to his majesty, praying, that he would be graciously pleased to confer some ecclesiastical dignity on the rev. S. Smith, chaplain of the house of commons. An address was likewise ordered to be presented to the king, for an advance of 1,200*l.* to H. Alexander, esq. for his services as chairman of the committee of Ways and Means. The usual addresses were voted for remuneration to the different clerks and officers of the house. On the motion of Mr. Huskisson, an address was ordered to be presented to his majesty, praying, that he would order the sum of 3,250*l.* Irish currency, to be advanced to the commissioners of the lottery in Ireland, and to the commissioners on outstanding prizes. The Speaker then attended in the house of lords in consequence of a message from their lordships; and, on his return, informed the house, that he had heard the royal assent given by commission to a number of public and private bills.

[Case of Captain Wright.]—Sir *Sidney Smith* rose and expressed his regret that he was not present yesterday, when a right hon. friend of his (Mr. Windham) took occasion, in a manner so highly honourable to his character, to call the attention of the house to the situation of a gallant friend of his, captain Wright, who was now a prisoner in the Temple at Paris. The honourable officer added, that if the right hon. gent. he had alluded to, should not bring forward a motion on the subject, he would to-morrow move, that there should be laid before the house copies of the correspondence which has taken place, through the Spanish government, between our ministers and the government of France, with respect to the arrest and detention of captain Wright.

[Impeachment of Lord Melville.]—Mr. *Whitbread* brought in a bill to prevent the proceedings in the impeachment against lord Melville, from being affected by any prorogation or dissolution of parliament. This bill was read a first and second time, committed, and the report brought up. Upon the motion for agreeing to the report,

The *Attorney General* rose, and after disclaiming any wish to throw the least impediment in the way of the Impeachment, submitted to the consideration of the house, whether, if the bill were passed in its present form, an inference would not arise, that an impeachment was abated by a prorogation or dissolution of parliament, and of course interfere with the privileges of that house. This was a question which he apprehended was completely determined in the negative, in Mr. Hastings's case, and he was unwilling that this bill should proceed in such a shape, as to raise a doubt on the subject. Its present objectionable form, he observed, was founded upon a precedent that had taken place, previous to the determination he had alluded to. The right hon. gent. concluded with expressing a wish, that the third reading of the bill should be postponed till to-morrow, in order that it should be so altered, as to guard against any improper inference.

Mr. *Whitbread* observed that this was a literal transcript of the bill introduced by Mr. Burke, in the case of Mr. Hastings's impeachment; and the author of that bill was certainly not liable to the suspicion of wishing to trench upon, or to excite a doubt as to the privileges of that house. The object of this bill the honourable member explained to be such, that unless it were adopted, the committee for managing the Impeachment would not be enabled to report to the house on the first day of the next sessions, if they thought necessary, the result of the evidence they had already examined, but would, on the contrary, be obliged to go through the examination of the same evidence over again. It was with a view to provide against such a circumstance, that he proposed this bill, which he did not conceive calculated to cast any doubt upon the privileges of that house, or he should have been among the last to have brought it forward. From the advanced period of the session, and the consequent necessity of expedition, the hon. gent. was desirous that the bill should not be delayed in its progress, but that it should be read a third time to-day.

Mr. *S. Bourne* concurred in the observations of the Attorney-general.

The *Speaker* observed, that the bill had two distinct objects, first to provide that the proceedings depending in that house on the articles of Impeachment against lord Melville should not be discontinued by any prorogation or dissolution of parliament; the second imported a different provision, that the said article should be proceeded upon in the next session, as to the other house of parliament in the event of a prorogation or dissolution, in the same manner as if no such prorogation or dissolution had taken place. Against the first part of the bill there did not appear to be any objection, but the second was conceived to cast some doubt upon the established privilege and jurisdiction of that house to continue an impeachment notwithstanding any prorogation or dissolution of parliament. The bill, however, the right hon. gent. had no doubt, would be so modelled as to remove the objectionable part.—The bill after being altered, according to the Speaker's suggestion, was engrossed, read a third time, passed, and ordered to the lords.—Adjourned.

HOUSE OF LORDS.

Thursday, July 11.

[Minutes.]—In a committee of privileges, some farther proceedings obtained with respect to the claims to the Zouch peerage; the farther consideration of which was adjourned till the next session.—The bills upon the table, were read a third time and passed. The Impeachment Continuation bill, and the Townleian Collection bill also went through their last stages. The opinion of the Judges was delivered in the appeal from the court of Chancery in Ireland, Roe, *v.* Power; after which the judgment of the court below was affirmed. The judgment in the Appeal, Campbell, *v.* M'Nair, was sent back to the court of sessions with special instructions.—Mr. Whitbread, with several members, brought up a new bill from the commons, in the case of Mr. Trotter and others, the former bill being lost in that house, on account of certain amendments. The bill was read three times and passed.—The house went into a committee, to take into consideration the message of the commons, declining to communicate the evidence in the duke of Atholl's bill. Several precedents were read; after which the Lord Chancellor said, it appeared from these, that it had been the parliamentary practice and usage for the house of commons to communicate evidence to that house, where the facts on which they passed a bill were recited, and stated as the motives of the bill on the face of the bill itself. He should, therefore, to morrow, move that a resolution to that effect be entered on their lordship's journals. The report was ordered to be received to-morrow.

[Trotter's Indemnity Bill.]—The judges, pursuant to the order of the house, being in attendance;

The *Lord Chancellor* quitted the wool-sack, and, in pursuance of what transpired in the discussion of last night, rose for the purpose of submitting an important law proposition to their consideration. He adverted, in the course of his observations, to the several positions which had been advanced; and also to the *dictum* of a noble and learned lord, respecting the competency of a witness in certain cases to demur; and concluded, as the result of the whole, by submitting a question to the following effect, for the opinion of the law lords:—Whether, in point of law, a witness be compellable to answer questions, the answer to which may not tend to criminate himself, but may establish, or tend to establish, that he owes a debt, for the recovery of which he may be liable to a civil suit." This question was ordered to be referred to the consideration of the learned judges.

Lord *Minto*, introductory to an additional question, which he deemed it proper to refer to the consideration of the judges, repeated several of his observations of last night upon the general subject. He particularly dwelt upon the important distinction between a civil action instituted, on the part of the crown, and one instituted by ordinary individuals, as, in the former case, he argued, it was of the nature, and had the effect, of a criminal proceeding: there was, therefore, he contended, a substantial difference between a suit so instituted and a common suit for debt. The query he had to propose was, "whether, in point of law, a witness was required to answer questions, the answer to which may not expose him to a criminal prosecution; but, may expose him to a civil suit on the part of his majesty, for the recovery of profits made by him, by the use and application of public monies entrusted to his charge?"

The *Lord Chancellor* shortly observed, he should make no objection to the motion; at the same time, by his agreeing so far, it did not follow, that his opinions upon the point adverted to were similar to those of the noble lords. The question was then put, and the proposition of lord Minto was, in like manner, referred to the consideration of the judges.—Adjourned.

HOUSE OF COMMONS.

Thursday, July 11.

[Minutes.]—A message from the lords informed the house that their lordships had agreed to the Smuggling Prevention bill, the Privilege bill, the Foreign Plate Glass Duty bill, the British Museum Grant bill, the Duke of Atholl's Compensation bill, and the Consolidated Fund bill, without any amendments; also to the Maidstone Poor bill, the

Witnesses Indemnity bill, the Paddington Coal bill, and the Camberwell Water Works bill, with several amendments, in which they desired the concurrence of the house.—The amendment of the lords to the Maidstone Poor bill, to the Paddington Coal bill, and to the Camberwell Water-works bill, were severally taken into consideration, on the motions of sir J. Frederick, Mr. Huskisson, and Mr. Tierney, and appearing to be only in furtherance of the intentions of the house in passing the bills, were agreed to, and the same ordered to be signified to the lords.—A new writ was ordered on the motion of Mr. Sturges Bourne, for the election of a Knight of the Shire for the County of Down in Ireland, in the room of the right hon. Viscount Castlereagh, who had accepted the place of one of His Majesty's Principal Secretaries of State.—Mr. Long acquainted the house that his majesty had been waited upon with the several addresses voted, and would be graciously pleased to give directions accordingly.—Mr. Dent moved, that there be laid before the house an account of all the monies that had been paid to the Sierra Leone Company, pursuant to grants of Parliament, together with the dates of each payment; also an account of the Disbursement of all Sums granted by Parliament to the Sierra Leone Company. Ordered.—Mr. Dent gave notice, that he should, on an early day next session, move for leave to bring in a bill for putting a stop to the horrid practice of Bull-baiting.—Mr. Tyrrel, from the Office of the Chamberlain of the City of London, presented at the bar several accounts relative to the Port of London and the different Docks. Ordered to lie on the table.—Mr. C. Wynne moved, that there be laid before the house an Account of the number of Lunatics and Insane Persons confined in the different Jails, Houses of Correction, Poor Houses, and Houses of Industry in England. Ordered.—Mr. Kinnaird moved, "that there be laid before the house an account shewing the number of Shipwrights and Apprentices employed in his majesty's Dock Yards on the 17th of May, 1804," together with several other papers, with a view to the discussion on Mr. Jeffery's motion, which were severally ordered. A message from the lords informed the house that their lordships had agreed to the Indemnity bill, and the bill for continuing the proceedings on the impeachment of lord Melville, notwithstanding any prorogation or dissolution of parliament.

[KIRK OF SCOTLAND].—Mr. *Kinnaird*, pursuant to his notice of yesterday, moved that there be laid before the house an account of the Ministers' Stipend of the Kirk of Scotland, specifying the stipend of each Parish, with the augmentations lately made to them. and the state of the Tiends in each; as also an account of the population of each Parish, arranged alphabetically, with other accounts of a similar nature.

The *Secretary at War* wished the hon. gent. had stated some ground for this motion, because, though if upon grounds he did not mean to oppose it, yet it appeared to him to require very good grounds indeed to justify the expence and trouble that the production of such accounts must inevitably create. He did not think that, even on parliamentary grounds, a paper was to be given on the mere motion for it, without adducing any satisfactory reason. Such a proceeding besides, he was certain, would create a very extraordinary sensation in that part of the country.

Mr. *Kinnaird* stated, as the object of his motion, certain regulations respecting the Tiends and Stipends applicable to the support of the clergy of Scotland, which were at present on a confused system, and not in a fair state of proportion. Had he expected any opposition to the motion, he should not have brought it forward on so short a notice; but he did not at all see how the trouble or expence attending the making out of those accounts could be so great as the right hon. gent. wished to represent. That part of the motion that related to the population, it was true, might be attended with some difficulty, and therefore he had no great objections to withdraw that part of his motion. The accounts might be made out during the recess of parliament, and be ready to be presented to the house by the beginning of next session.

Mr. *R. Dundas* thought it would be impracticable for the clergymen to make such returns as those moved for, without a great deal of time and trouble. The discussion of such a subject would give rise to no small degree of alarm in that part of the country, and therefore the hon. gent. should be aware of the grounds of his motion before introducing so delicate a topic. He advised the hon. gent. to take the summer months to consider of it, and to converse on it with people who were well acquainted with the subject.—Mr. Kinnaird, after some observations, withdrew his motion.

[TROTTER'S INDEMNITY BILL.]—Mr. *Whitbread* moved, that the lords amendments to the Indemnity bill be taken into consideration.

The *Speaker* acquainted the house, that numerous amendments had been made by the lords to this bill, many of which amounted to direct alterations, in a clause containing provisions relating to the application of public money. These were amendments which the house never could agree to, and it would be for the hon. member or any other hon. member to dispose of the amendments by the course usually adopted on such occasions.—The amendments were then ordered, on the motion of Mr. Whitbread, to be taken into further consideration this day three months.

Mr. *Whitbread* then moved for, and obtained leave to bring in a bill which should include the lords amendments, saving thereby the privileges of the house.—The bill was brought in by Mr. Whitbread, and read a first and second time; it then passed through a committee, and was ordered to be engrossed. On the motion that the bill be read a third time,

Sir *William Elford* declared himself to be still of his former opinion respecting the propriety of indemnifying the persons who might give evidence on the impeachment of lord Melville from civil suits. It was material to the ends of justice that their testimony should not be biassed by any apprehensions for the consequences that might result to themselves. It was also material to lord Melville, if he should be acquitted of the crimes imputed to him, that no impression should remain on the public mind, as if the witnesses might not have given full testimony from the influence of their personal apprehensions. He hoped and trusted the house would support its own intentions, and direct the Attorney General to stay proceedings in the civil suit against Mr. Trotter; taking it for granted that the house would adopt that course, he should not object to the third reading of the bill.—The bill was then read a third time and passed; and Mr. Whitbread was ordered to carry it to the lords.

Sir *W. Elford* then moved, pursuant to his notice of yesterday, that the Attorney-General be directed to stay all proceedings of civil suit against Mr. Trotter. This motion being seconded by Mr. R. Dundas,

Sir *W. Elford* moved that the order of the house of the 25th of April, directing the Attorney-General to proceed against lord viscount Melville Mr. Trotter, &c. by a civil suit, be read; which being read accordingly, he farther moved that so much of the said order as relates to Mr. Trotter be discharged.

Mr. *Whitbread* was of opinion that the public were entitled to retribution, and as it was well known that Mr. Trotter had gained very considerable emoluments in the public service, should it turn out that those had been unduly obtained, room should be left open for recovery. The committee appointed to draw up the Articles of Impeachment were originally of opinion that an exemption from criminal prosecution was all that was necessary to indemnify the witnesses on this question, and great law authorities had since given it as their opinion, that being exposed to a civil process could not justify a demurrer on the part of those witnesses. That point, however, had been referred in another place to the twelve judges, and it was therefore premature to take it up before a judgment of such weight as that must necessarily be, was given. He was not absolutely hostile to the motion, but thought it had better not be made in the present circumstances.

Mr. *Kinnaird* did not think it fair in the hon. bart. after what he must have heard had been done in another place, to come forward in this manner, and anticipate the decision of the judges, to whom that point had been referred. It had been determined in the other house, that nothing should be done to preclude proper restitution, should it afterwards appear necessary. He did not mean to say that this ought to influence the vote of the house, but certainly it should have great weight with them individually. In regard to the bias mentioned by the hon. bart. as likely to operate on the minds of the witnesses, in case of not receiving complete indemnity, were he to give his opinion freely, he would say that that complete indemnity would have the contrary effect to that suggested by the hon. bart.

The *Attorney General* was of opinion, that instead of adopting this motion, some intermediate measure might be resorted to, such as that of a suspension of all civil proceedings, at least till the next session of parliament. In regard to the high authorities alluded to, so far as he might be supposed to be alluded to, he could only say that he had always given it as his opinion, that the one proceeding could be no legal bar to the other, but at the same time he did not wish to give his opinion what the effect of a civil suit might ultimately be.

Mr. *C. Wynne* approved of the idea suggested by the learned gent. of suspending rather than dropping the proceeding in question, and confessed, that it appeared to him in a different light than if forming a part of the bill to be sent up to the lords. As doubts, however, existed on the subject, he did not think the house could be warranted in rescinding their former vote in the present circumstances.

Lord *Henry Petty* thought the proposition of the hon. bart. in the present circumstances, extremely objectionable. Should it be thought expedient afterwards to rescind that resolution, it would still remain open for the consideration of the house after the twelve judges had delivered their opinion.

Sir *W. Elford* said, his object in wishing the evidence to be free from all bias, was not to favour lord Melville, but for the better obtaining of public justice. He agreed to withdraw his motion, and in the room of it moved, that the Attorney General be directed not to proceed in any civil suit against Mr. Trotter, till after the commencement of next session of parliament, which was ordered.

[Case of Captain Wright.]—Mr. *Windham*, in consequence of the notice that had been given by his hon. friend (sir Sidney Smith) yesterday, rose to move for copies of the correspondence of government relative to the case of captain Wright. When he first took the liberty of mentioning the subject to the house, he doubted whether he should conclude by moving for the papers, or confine himself to a statement that might attract the attention of the house. His reason for having adopted the latter course was, because he thought the papers, when produced, would not shew the government and the country in any advantageous light. It was not creditable to seek redress by indirect means, through the intercession or mediation of other powers, when it ought to have been insisted upon as a matter of direct right. But his hon. friend (sir Sidney Smith), the gallant officer on the bench behind him, was of opinion, that the production of these papers would be of service to capt. Wright, by publishing to the country and Europe, the circumstances of his case; and, with this view, he meant to conclude with a motion for the papers. The question to consider was, first, what was necessary for this country to do in order to maintain its dignity and independence; and secondly, what was necessary to be done with a view to the relief of capt. Wright. As to what was necessary to the country, he should only say, that if we were once to confess we durst not retaliate, it would be an acknowledgement of inferiority, which must in the end be fatal.—As to the second object, if we were to do to the French as they did to us, it would have an effect on the feelings of the public in France, and on the military, and Bonaparte was not out of the reach of public opinion.—Besides, he might now be governed by more generous feelings than formerly: having attained the summit of his ambition, he was alive to fame, and not insensible to reproach. He could not be insensible to the reproach of having been actuated by motives of personal resentment against a gallant officer whom he first knew at Acre, by the share he had in the ever glorious and memorable exploit in defence of that place. The French ruler might therefore, from the influence of more generous feelings, not less than from the dread of the odium that he would encounter in France if the officers who might fall into our hands should be treated with the same rigour as captain Wright, be induced to alter his conduct to that gallant officer. The right hon. gent. concluded by moving, "That an humble address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this house, copies of such correspondence as may have taken place between his majesty's government and the government of France, or with that of any other country, relative to the treatment, or exchange, of capt. Wright, late of his majesty's sloop Vincego, and now a prisoner of war in close confinement in France."

Sir *Sidney Smith* in seconding the motion of his right hon. friend, felt that he was acquitting himself of a duty; a duty to his gallant friend, and a duty he owed to every officer in the navy. A natural question would arise in the minds of gentlemen who heard him, what useful purpose was proposed to be answered by the production of the papers. To this he should answer, that three beneficial purposes would be promoted by it. First, it would afford a consolation to captain Wright in his solitary confinement, to find that he was not disowned by his government or by his country, and that the assertions of France with respect to him were not credited. He could from his personal knowledge assert, that captain Wright had been regularly employed in the service of his country. He held in his hand a document, written by captain Wright himself, which with the leave of the house he proposed to read. This was the letter to the Admiralty, in which captain Wright solicited to be actively employed in the service of his country, after the commencement of the war. This communication had been followed by an offer of the command of a sloop, which not being then equipped ready for service, his gallant friend, anxious to be actively employed, zealous for the service of his country, and perfectly fearless of danger, was appointed to the command of the Vincego.—There were some circumstances attending the capture of that vessel, and the treatment of captain Wright, which might not be known to many gentlemen present, and which, perhaps, had never reached the present ruler of France. He should therefore, with the leave of the house, read a document on that subject. And here he should say, that the general, who first denounced captain Wright to the French government, might have had a wish to promote his views with his government, by a display of his zeal in its cause. The document he alluded to was a letter from an officer of the Vincego, giving an account of her capture, and the subsequent treatment of the captain and crew. This letter had been written by an officer of the vessel, and unquestionably without any view to the use now made of it.—The gallant officer here read the letter, of which the following is a copy:—" We have at length arrived at our place of rest (Verdun) after a fatiguing march of near 800 miles. Captain Wright was separated from us at Vannes, and the men were afterwards taken from us at Verheuil: we were then conveyed to Paris, and lodged in the Abbaye; so soon, however, as it became dark, we were removed to the Temple, where we were confined seven weeks, three of which we passed in solitary confinement.—As, perhaps, you have heard the particulars of our being taken, I will give you a short account. During our long cruize in Quiberon Bay, we were continually engaged with the numerous gun-boats that passed from one port to another with convoys; but having no pilot, and they keeping close in shore, we were unable to do any thing decisive; we, however, took two unarmed vessels, one a schooner, laden with flour, &c.; and the other, a national lugger, with 2000 oars for the gun-boats; this last, from our want of men, we were obliged to destroy; the other arrived safe in England. The day before we were taken, we drove a sloop and a lugger ashore, near St. Gelda's. On the morning, at day-light, we discovered a number of vessels coming out of the Morbihan, and a corvette of 18 long 18-pounders lay at anchor close in shore. The Vincego was at this time becalmed in a strong tides way, which drifted us close on a rock, which was avoided by dropping our anchor; when the tide slacked, having taken a poor man from a fishing boat as pilot, we attempted to take the Tennis Passage, but from his fears or ignorance, he was of no use, and went down below. We now trusted to chance. We were in a narrow and intricate passage, without an air of wind; numerous gun-boats coming rapidly up with us; our men, who had been up all night, and had laboured three hours at the oars in a sultry morning, where quite exhausted; and finding escape impossible, the captain ordered the ship's broadside to be swept to, and an engagement was kept up against such fearful odds, for more than two hours, when our firing almost wholly ceased, three of the guns being dismounted, and the rest incumbered with lumber, from the falling of the booms, their supporter having been shot away. The men falling fast, the foremast nearly shot away, and the vessel nearly sinking, captain Wright was forced to hail that he had struck, just in time to save the lives of the few that could keep the deck, as the gun-boats were rowing up alongside, with numerous troops to board. He himself was wounded in the thigh early in the action by a grape shot, but never left the deck. We lament his separation from us, as we would the absence of our dearest friends. His manners are those of a perfect gentleman; his abilities of the first class; and his bravery only equalled by his generosity and humanity. In his deportment to his inferiors he appears in the most amiable point of view, it being that of a kind and benevolent father. Indeed I have not words to express my admiration of his character."—Here the hon. and gallant officer was so overpowered by the weight of his feelings, that he was for some time deprived of articulation, and in the end obliged to break off abruptly.

The *Chancellor of the Exchequer* said, he had no sort of objection to the production of the papers moved for by the right hon. gent. As there was no objection to their production, it was not desirable to make any observation upon them in the present instance. When the papers should be on the table, the house would be able to judge of what had been done, as well as whether any further steps were necessary. But, as the motion then stood, it appeared to him that some additional papers were necessary in order to bring the matter fully before the house.—The motion was then agreed to, as also, on the motion of the chancellor of the exchequer, " that there be laid before the house a copy of a letter from William Marsden, esq., to Edward Cooke, esq., under secretary of state, dated the 17th of July, 1804, with a copy of its inclosure, from Mr. Riviere, of the marine department at Paris. And also, a copy of a letter from Edward Cooke, esq., to William Marsden, esq., secretary to the lords commissioners of the admiralty, in answer thereto, dated the 28th August, 1804."

[Third Naval Report.] Sir *A. Hamond*, pursuant to notice moved, that there be laid before the house a copy of the memorial of the commissioners of the navy, in answer to the third report of the commissioners of naval enquiry.

The *Speaker* observed, that it was usual to allow hon. members, when affected by any particular charge, to be heard in their justification, or to present a petition on the subject. It was also competent to the house to order any official document from any department of the executive government. But it would be for the house to consider how far the paper moved for by the hon. baronet, being a memorial from the commissioners of the navy, was or was not of either description.

Sir *A. Hamond* observed, by what had fallen from the chair, that his motion was irregular, and expressed his willingness either to move for the paper as a petition, or a letter.

The *Chancellor of the Exchequer* thought that the regular mode would be to move for a copy of the letter of the admiralty, inclosing the memorial of the commissioners of the navy.

The *Speaker* agreed, that in that shape the paper would come under the description of an official document.

Mr. *W. Dickenson* stated the reason why the admiralty commissioners had not laid the memorial before the house to be, that it was a memorial from the commissioners of the navy to the house, transmitted to them for their inspection, and they had thought it would come more regularly before the house from the commissioners of the navy.

Mr. *Kinnaird* had heard with pleasure what had fallen from the chair. A memorial could not be presented as a petition, because no prayer was to be found in it. He thought it rather extraordinary that the third report of the naval enquiry should have been two years on the table, without any notice being taken of it; and that now, on the day preceding the expected separation of parliament, a motion should be made for the production of a memorial in answer to it. This motion ought to have been made earlier in the session, when the whole subject should have been taken into consideration. Were the commissioners of the navy preparing answers to all the reports? Did they mean to answer the sixth report, which contained serious charges against them by memorial? The more manly and candid way would have been to have moved, that the report be taken into consideration.

Sir *A. Hamond* repeated the reasons assigned by him on a former occasion for not having brought the subject forward before. He had lost no time after the report had been laid before the house, in acquainting the first lord of the admiralty that the navy board wished to have the charges upon them fully investigated, but he could not obtain his consent to lay the memorial before the house.

Mr. *Giles* observed, that when the memorial had been laid before the first lord of the admiralty, in answer to the first report, it was considered by him so offensive, that he said if it were laid before the house, he should look upon it as a personal insult.

The *Chancellor of the Exchequer* observed, that if the first lord had said that he would have looked upon the production of the memorial in answer to the first report as a personal insult, that was a reason why the commissioners of the navy should not consult him on the subject of the memorial in answer to this report.

Sir *C. M. Pole* thought it necessary to guard the house and the public against the effect of receiving a memorial which was but the assertion of persons against whom serious charges existed, for a neglect of their duty. He did not mean to object to the motion, but the papers moved for contained only the assertions of the commissioners of the navy, and not on oath. The commissioners of inquiry had discharged their duty with zeal and fidelity, in the arduous task that had been intrusted to them, and under peculiar difficulties. From the calumnies that were thrown out against them in the house, and perhaps out of it, he thought it was impossible for them to carry on the business for which they had been appointed. They had discharged their duty under the bill now within a few hours of expiring, and he took the opportunity of saying, that he really thought it would be impossible for them to go on any longer with benefit to the public. He hoped the house would find before next session of parliament persons more capable of doing the business; he was sure they could not find any that would do it with more zeal or fidelity.

The *Secretary at War* wished to know who ever doubted the zeal of the hon. gent.? The question now was, whether, when serious charges were preferred against the commissioners of the navy, they should be allowed to give in their answer to such charges?

Mr. *Kinnaird* would not object to the motion, provided the memorial was not to be considered as an answer to the report, being only assertions, without the sanction of an oath.

The *Attorney General* thought the memorial could not be considered in any other light, than as an answer to the report. The house could not know on what grounds the commissioners of naval enquiry could not, as stated by the hon. baronet, proceed with the business of their enquiry. It was competent to any hon. member to move, that any of the reports be taken into consideration.

Mr. *Johnstone* protested against the allowing the assertions of the party accused by the report to have equal weight with the report.

Mr. *Canning* protested also againt the doctrine of not hearing the accused party. It must be recollected, that in the eleventh report the commissioners of naval enquiry had thrown out charges against the navy board, which were afterwards examined by the committee of the house, and the navy board were found not to have been at all in fault. A similar thing might again occur. Even the tenth report was revised by a committee, and evidence heard before the bills were passed which were grounded on it. Such had been the constant practice of the house, as prescribed by the rules of justice.—The motion of sir A. Hamond was agreed to.

[Financial Propositions.]—Mr. *Johnstone* moved the order of the day for resuming the debate on his financial propositions, see p. 754. The hon. gent. then moved one of his resolutions after a brief statement, that he had the satisfaction to find that the right hon. the chancellor of the exchequer agreed in most of his resolutions.

The *Chancellor of the Exchequer* observed, that he had no objection to agree to many of the hon. gent.'s resolutions in precisely the same words, and that others of them he proposed to alter the form of.—The resolutions were then severally put, and such of the original ones as were to be altered, were got rid of by the previous question, and those proposed by the chancellor of the exchequer agreed to in their stead.—Adjourned.

HOUSE OF LORDS.

Friday, July 12.

[Duke of Atholl's Claim.—The *Lord Chancellor* stated the result of the deliberations of the committee respecting the message sent by the commons, in answer to a message from their lordships, of the 5th instant, desiring that they would communicate the evidence on which the facts stated in the duke of Atholl's compensation bill were founded, and which the commons refused. His lordship moved, in consequence, that a message should be sent to the commons, stating, that the message sent by their lordships on the 5th instant, appeared to them to be conformable to the practice of parliament, such practice having been for the commons to communicate to the lords evidence touching facts stated in any bill sent up from the commons to their lordships house. This mode of proceeding the noble and learned lord conceived to be the best, as it evidently appeared by a precedent in 1786, that the commons then considered that though they could not communicate information generally with respect to the reasons on which they had grounded a bill, that they could and did then communicate evidence relating to the facts stated in such bill. He conceived therefore that the message which he had moved to be sent to the commons would be a satisfactory explanation of the opinion of the house upon this subject, whilst it would at the same time save their lordships privileges.—The message was immediately sent to the house of commons.

[King's Speech.]—The *Lord Chancellor* then stated that his majesty had been pleased to issue two commissions, one for giving the royal assent to certain bills, and the other for proroguing parliament. The house was adjourned for a short time, after which the archbishop of Canterbury, the lord Chancellor, earl Camden, and lord Hawkesbury came in in their robes, and took their seats as his majesty's commissioners. The deputy usher of the black rod was sent to require the attendance of the commons. After some time had elapsed, the speaker, attended by the whole house, appeared at the bar, when the royal assent was given by commission to the Consolidated Fund bill, the duke of Atholl's Compensation bill, the Plate Glass Duty bill, the Members of Parliament Bankrupt Privilege bill, the Impeachment Proceedings Continuation bill, Trotter's Indemnity bill, the Smuggling Prevention bill, the Townleian Collection bill, the Camberwell Water Works bill, the Thames Tunnel bill, the Paddington Canal Coal bill, the Maidstone Poor bill and four private bills.

The *Lord Chancellor* then, in his majesty's name, delivered the following speech.

"My Lords and Gentlemen,

We have it in command from his majesty to express the satisfaction with which he has observed the proofs you have given in the present session of your constant regard for the honour of his crown, and the interests of his dominions; and particularly the measures which you have adopted for strengthening his majesty's hands at this important conjuncture, by the augmentation of the disposable military force of the kingdom."

"Gentlemen of the House of Commons,

His majesty has directed us particularly to thank you in his majesty's name, for the zeal and liberality with which you have granted the large supplies which the necessity of the public service has required.

"My Lords and Gentlemen,

His majesty has not yet been enabled to communicate to you the result of the negotiations in which he is engaged with powers on the continent; but you may rest assured that no step will be omitted on his majesty's part, for promoting such a concert as may afford the best prospect of restoring general and permanent tranquillity; or may, if necessary, furnish the means of repelling with vigour the continued encroachments on the part of the French government, which threaten, every day more and more, the liberty and independence of all the nations of Europe."

Then the commission for proroguing the parliament was read. After which

The *Lord Chancellor* said:

"My Lords and Gentlemen,

By virtue of his majesty's commission under the great seal, to us and other lords directed, and now read, we do, in his majesty's name, and in obedience to his commands, prorogue this parliament to Thursday the 22d day of August next, to be then here holden; and this parliament is accordingly prorogued to Thursday the 22d day of August next."—The commons then withdrew from the bar, and their lordships retired.

HOUSE OF COMMONS.

Friday, July 12.

[MEMORIAL OF THE NAVY BOARD IN ANSWER TO THE THIRD NAVAL REPORT.]—Mr. Dickenson, jun. presented to the house, pursuant to their order; a copy of a letter from the navy board to William Marsden, esq. dated 4th July 1804, inclosing a memorial to the house of commons, in answer to the third report of the commissioners of naval enquiry.—On the motion that this letter, &c. should be laid on the table,

Mr. *Kinnaird* rose and expressed his surprise that a document of this nature should have been brought before the house at this very late period of the session, and his regret that he should, from a sense of duty, feel himself obliged to interupt the tranquillity of the house by opposing the present motion. It was in his mind, and he believed in that of every dispassionate man, a matter of astonishment, that this paper should have been brought forward that day, in precisely the same objectionable form which urged gentlemen to resist the order for its production the preceding day. After the observation which the house had heard from the chair, the circumstance was peculiarly remarkable. But the hon. gent. who made the motion, seemed to imagine that his ingenuity had contrived to evade the objections of the chair; that hon. gent. probably fancied that by enclosing the memorial of the navy board in a letter to the lords of the admiralty, every difficulty as to form was obviated. He, however, conceived that the hon. gent. was mistaken, and that mistake, as it related to the proper form of presenting papers to that house, which was a consideration by no means unimportant, was in his judgment fatal to this motion. It was insulting to the house to attempt to press the introduction of a paper in this shape, and the attempt itself was, under such circumstances, a most unworthy expedient. What! to make the admiralty the channel of communication with that house; to make a correspondence with the one the mode of addressing the other! The thing was not to be allowed, and he trusted the same objections to such a course which the house had heard the preceding day from the chair, would be again pressed that day. The mode of procedure resorted to on this occasion, the hon. gent. was clearly of opinion, betrayed a fear of enquiry on the part of the navy board. He sincerely believed that it would go forth to the country that such a fear was entertained, that the navy board, far from being anxious for inquiry into their conduct, sought the shelter of official authority, and were forward to avail themselves of expedients. Independently of the reasons offered the preceding day against the production of these papers, the hon. gent. observed, that an argument sufficiently strong to justify opposition had since occurred. The house had heard a declaration from one of the respectable commissioners of naval inquiry, (sir C. Pole) which served to shew how much the calumny of office was employed to depreciate that highly meritorious commission. To refute, to expose the injustice of such calumny, nothing but inquiry was necessary with respect to the naval commissioners, and he challenged the hon. baronet (sir A. S. Hamond) to enter upon it, not in any irregular clandestine manner; not under the patronage of office, but in the face of day, and before a committee of that house. Before such a committee, before any fair tribunal, the commissioners of naval inquiry were ready to submit their conduct to the fullest and closest investigation. They wished for inquiry, in order to guard against misrepresentation; in order to provide against the impression which the insinuations of gentlemen on the treasury bench were calculated to produce. The nature, indeed, of such insinuations was such, that, combined with impediments thrown in the way of the naval commissioners, and the obloquy to which they were subjected through the activity of official slander, it peculiarly behoved the house to take care that no document should go abroad, such, probably, as that to which the motion referred, which might in any degree tend to give the warrant or authority of its name to any censure upon the naval commissioners. If such censure were pronounced, if the prejudices of those who had such ample means of inforcing their slanders were supported by the authority of that house, there was but too much reason to apprehend that, before next sessions, the country might be deprived of the services of those eminently deserving men, who never could be deprived of the gratitude of their countrymen, and who possessed, he was fully satisfied, the approbation of a decided majority of that house, and the confidence of all the intelligent impartial men in the country. This consideration would, he trusted, in addition to the consciousness of their own rectitude, induce the gentlemen who composed the naval commission to look down with scorn on their calumniators, and, spurning the efforts used to impede their exertions, to prosecute the course in which they had been heretofore engaged so much to their own honour and the public benefit. —The hon. member alluded to some of the arguments used the preceding day, when he was called to order by Mr. S. Bourne, who pronounced that kind of allusion disorderly.

The *Speaker* stated, that it was certainly not correct to refer to arguments used in a former debate.

Mr. *Kinnaird* resumed. It had been said by the gent. opposite, that an anxiety had been shewn to avoid any inquiry into the conduct of the late admiralty board by the disposition which was manifested to resist the introduction of this paper. In answer to this he should declare, that nothing could be more consonant to the wish of that board, than that a full and fair investigation of their conduct should be instituted. But what investigation? what inquiry? One by this house: not merely the calumnious assertions of persons now in office. It was, in his opinion, a great reproach to the gentlemen opposite; it was in the highest degree derogatory to their character, that they were not prepared to demand an inquiry, (a proper inquiry) by a committee of the house of commons. He regretted more particularly, after the declaration made by the hon. baronet last night, that they had not enough of fairness in their disposition, or of confidence in their innocence to demand such an inquiry. He considered it as very extraordinary, that at so late a period of the session such a memorial should be presented at all; he should consider it still more extraordinary if it were received after what had been declared from the chair the preceding night, that this was not the proper mode of presenting such a memorial.

Sir *A. S. Hamond* spoke to order. He appealed to the speaker, whether or not the mode in which the memorial had been presented was not in strict conformity to his observations.

The *Speaker* observed, that to the way in which the memorial had been originally offered, he had certainly urged as an objection, that it was irregular in such a manner to receive the memorial of individuals. He had then stated two ways by which the facts contained in that memorial could be introduced to the knowledge of the house. The first was by means of a petition from the commissioners of the navy, pleading grievances and praying for redress; the other by moving for the production of such official correspondence as might contain the matter which it was deemed desirable to lay before the house. On the 30th of April a similar mode had been adopted, in conformity to which the motion of yesterday had been framed.

Mr. *Sheridan* requested that the debate might be suspended for a few minutes, to allow him to present a petition from captain Wood relative to the conduct of admiral Duckworth in the West Indies. The serjeant at arms then announced a message from the lords.

Mr. *Sheridan*, however, seemed desirous of proceeding, when

The *Speaker* said, that, conformably to the usage of parliament, when messengers from the lords demanded admittance, they should be called in, even in the midst of a debate.—The message was, that the lords had commanded them to acquaint this house, "that the lords have taken the message of the commons, of the fifth day of July instant, relating to the message of the lords, requesting the commons to communicate to the lords the evidence upon which they passed the bill, intituled, an act for settling and securing a certain annuity on John now duke of Atholl, and the heirs general of the seventh earl of Derby, and inform the commons, that the lords intended, by their message, to request the commons to communicate the information laid before the commons relating to the facts stated in the said bill as the ground and foundation thereof; and the lords conceive, that it is according to the practice of parliament for the lords to request of the commons such information touching bills passed by them." The messengers having withdrawn, it was ordered on the motion of lord Glenbervie, "that a message be sent to the lords, to acquaint their lordships, that the commons have taken their lordships message, of this day, into consideration; but inasmuch as the nature of the bill, mentioned in their lordships message, was for the express purpose of making a disposition of public money, the commons conceive that the claim asserted in their lordships message is not warranted by the practice of parliament, and doth intrench upon the rights and privileges of the commons, from which they can never depart."

The deputy usher of the black rod then made his appearance, and desired the attendance of the house in the house of peers, to hear the lords commissioners give the royal assent to several public and private bills. The speaker, with the whole of the members present, went up accordingly to the house of lords, and on his return, calling the members round the table, read to them a copy of the speech; after which the members separated.—Thus ended the third session of the second parliament of the United Kingdom of Great Britain and Ireland.

LIST OF PUBLIC ACTS

Passed in the Third Session of the Second Parliament of the United Kingdom of Great Britain and Ireland, and in the 45th Year of the Reign of His present Majesty, George III. with the Date of their meeting the Royal Assent.

CHAP. I. An Act for continuing and granting to His Majesty certain Duties upon Malt in Great Britain, for the Service of the Year 1805. [7th Feb.]

2. An Act for continuing and granting to His Majesty a Duty on Pensions, Offices, and personal Estates, in England, and certain Duties on Sugar, Malt, Tobacco, and Snuff, in Great Britain, for the Service of the Year 1805. [7th Feb.]

3. An Act to remedy certain Omissions in an Act, passed in the last Session of Parliament, intituled, 'An Act for the Relief of certain Insolvent Debtors.' [7th Feb.]

4. An Act to continue, until Six Weeks after the Commencement of the next Session of Parliament, an Act, made in the last Session of Parliament, for continuing an Act to empower the Lord Lieutenant, or other Chief Governor or Governors of Ireland, to apprehend and detain such Persons as he or they shall suspect for conspiring against His Majesty's Person and Government. [22d Feb.]

5. An Act for explaining and amending an Act, made in the Forty-third Year of His present Majesty, for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same, so far as relates to the Power of acting as Commissioners in certain Districts. [22d Feb.]

6. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Times limited for those Purposes respectively, until the Twenty-fifth Day of December 1805; to permit such Persons in Great Britain as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same, on or before the first Day of Michaelmas Term 1805. [22d Feb.]

7. An Act for raising the Sum of Three Millions by Loans on Exchequer Bills, for the Service of Great Britain, for the Year 1805. [22d Feb.]

8. An Act for amending an Act, passed in the last Session of Parliament, for granting additional Annuities to the Proprietors of Stock, created by two Acts, passed in the Thirty-seventh and Forty-second Years of His present Majesty. [1st March.]

9. An Act for allowing Vessels employed in the Greenland Whale-fishery to complete their full Number of Men at certain Ports for the present Season. [1st March.]

10. An Act for making further Provision for the effectual Performance of Quarantine. [12th March.]

11. An Act for granting certain additional Rates and Duties in Great Britain on the Conveyance of Letters. [12th March.]

12. An Act for raising the Sum of Twenty-two Millions Five Hundred Thousand Pounds by way of Annuities. [12th March.]

13. An Act for granting to His Majesty additional Duties in Great Britain on Horses used in riding or for drawing certain Carriages, and for consolidating the said additional Duties with the present Duties thereon. [18th March.]

14. An Act for granting additional Duties on Salt in Great Britain. [18th March.]

15. An Act for granting to His Majesty additional Duties in Great Britain on the Amount of Assessments to be charged on the Profits arising from Property, Professions, Trades, and Offices. [18th March.]

16. An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters. [18th March.]

17. An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore. [22d March.]

18. An Act for granting to His Majesty, until the 25th Day of March 1806, certain Rates and Duties, and to allow certain Drawbacks and Bounties, upon Goods, Wares, and Merchandize, imported into, and exported from, Ireland, in lieu of former Rates and Duties, Drawbacks, and Bounties. [25th March.]

19. An Act for granting to His Majesty, until the 25th Day of March 1806, certain inland Duties of Excise and Taxes in Ireland, in lieu of former Duties of Excise and Taxes. [25th March.]

20. An Act for granting to His Majesty certain Stamp Duties in Ireland. [25th March.]

21. An Act for repealing certain Duties upon Letters and Packets sent by the Post within Ireland, and granting other Duties in lieu thereof. [25th March.]

22. An Act for granting to His Majesty a Duty upon Malt made in Ireland, and upon Spirits made or distilled in Ireland, for the Year 1805. [25th March.]

23. An Act to continue, until the 25th Day of March 1806, and to amend, several Acts for regulating the Drawbacks and Bounties on the Exportation of Sugar from Ireland. [25th March.]

24. An Act for further continuing, until the 25th Day of March 1806, an Act, passed in the Forty-third Year of His present Majesty, for discontinuing certain Drawbacks and Bounties on the Exportation of Sugar from Great Britain, and for allowing other Drawbacks and Bounties in lieu thereof. [25th March.]

25. An Act to continue an Act for suspending the Operation of an Act, of the Seventeenth Year of His present Majesty, for restraining the Negotiation of Promissory Notes and Bills of Exchange, under a limited Sum, in England, until Six Months after a Ratification of a definitive Treaty of Peace. [25th March.]

26. An Act for continuing several Laws relating to the permitting the Warehousing of Spirits in Ireland for Exportation; for charging a Duty on the same when taken out for Home Consumption; and for regulating the Exportation to Great Britain of spirits not warehoused, until

the 29th Day of September 1805; to the prohibiting the Exportation from, and permitting the Importation to, Great Britain of Corn, and for allowing the Importation of other Articles of Provision without Payment of Duty, and to the prohibiting the Exportation from Ireland of Corn or Potatoes, or other Provisions, and to the permitting the Importation into Ireland of Corn, Fish, and Provisions, without Payment of Duty, until the Twenty-fifth Day of March 1806. [25th March.]

27. An Act to enable the Lords Commissioners of His Majesty's Treasury of Great-Britain to issue Exchequer Bills, on the Credit of such Aids or Supplies as have been, or shall be, granted by Parliament for the Service of Great-Britain, for the Year 1805. [25th March.]

28. An Act for granting to His Majesty additional Stamp Duties, in Great-Britain on certain Legacies. [5th April.]

29. An Act for granting to His Majesty additional Duties, within Great-Britain, on certain Goods, Wares, and Merchandize, imported into, or brought or carried coastwise. [5th April.]

30. An Act for granting to His Majesty several additional Duties of Excise in Great Britain. [5th April.]

31. An Act for allowing a certain Proportion of the Militia in Great Britain voluntarily to enlist into His Majesty's Regular Forces and Royal Marines. [10th April.]

32. An Act for granting to Foreign Ships put under His Majesty's Protection the Privileges of Prize Ships, under certain Regulations and Restrictions, and for allowing Aliens in Foreign Colonies surrendered to His Majesty to exercise the Occupations of Merchants or Factors, during the present War, and until Six Months after the Ratification of a Definitive Treaty of Peace. [10th April.]

33. An Act to make valid certain Licences, granted by virtue of an Order in Council, for allowing the Importation and Exportation of certain Goods and Merchandize from and to Spain in Neutral Vessels, and for indemnifying all Persons concerned in advising such Order, or granting or acting under such Licences. [10th April.]

34. An Act to permit the Importation of Goods and Commodities from Countries in America, belonging to any Foreign European Sovereign or State, in Neutral Ships, during the present War, and until Six Months after the Ratification of a Definitive Treaty of Peace. [10th April.]

35. An Act to continue until the First Day of June 1806, and amend an Act, passed in the 37th Year of His present Majesty's Reign, for carrying into Execution the Treaty of Amity, Commerce and Navigation, between His Majesty and the United States of America. [10th April.]

36. An Act to enable the East-India Company to appoint the Commander in Chief on the Bengal Establishment to be a Member of the Council of Fort William in Bengal; notwithstanding the Office of Governor-General of Fort William and the Office of Commander in Chief of all the Forces in India being vested in the same Person. [10th April.]

37. An Act for increasing the Rates of Subsistence to be paid to Innkeepers and others on quartering Soldiers. [10th April.]

38. An Act for allowing a certain Proportion of the Militia in Ireland voluntarily to enlist into His Majesty's Forces, and Royal Marines. [11th April.]

39. An Act to continue, until the 29th Day of September 1805, and amend an Act, made in the Parliament of Ireland in the 40th Year of His present Majesty, for better regulating the issuing and granting of Permits and Certificates for the Conveyance and Protection of Trade in exciseable Goods therein-mentioned, and to prevent Frauds by Dealers in, or Retailers of, such Goods, so far as the same respects Permits for Spirits or Spiritous Liquors. [11th April.]

40. An Act for raising the Sum of One Million Five Hundred Thousand Pounds, by way of Annuities, for the Service of Ireland. [17th May.]

41. An Act for restraining the Negotiation of certain Promissory Notes and Inland Bills of Exchange in Ireland. [17th May.]

42. An Act to extend the Provisions of an Act, made in the last Session of Parliament, for preventing the counterfeiting of certain Silver Coin issued by the Banks of England and Ireland respectively, to Silver Pieces which may be issued by the Governor and Company of the Bank of Ireland, called Tokens, and to promote the Circulation of the said Tokens. [17th May.]

43. An Act to amend the Laws for improving and keeping in Repair, the Post Roads in Ireland, and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious. [17th May.]

44. An Act for repealing so much of an Act, made in the 34th Year of His present Majesty, as exempts Slate, the Value whereof shall not exceed Twenty Shillings per Ton, brought coastwise within Great Britain, from the Duty thereby granted. [5th June.]

45. An Act for making perpetual certain additional Duties of Excise on Wine imported into Great Britain, granted by two Acts, passed in the 43d and 44th Years of His present Majesty; and to allow a Drawback of the said Duties to Admirals, Captains, and other commissioned Officers, for Wine consumed on board His Majesty's Ships of War. [5th June.]

46. An Act to continue until the End of the next Session of Parliament, and amend an Act, made in the 43d Year of His present Majesty, for appointing Commissioners to enquire and examine into any Irregularities, Frauds, or Abuses, which are or have been practised by Persons employed in the several Naval Departments therein mentioned. [5th June.]

47. An Act to appoint Commissioners to enquire and examine into the Public Expenditure, and the Conduct of Public Business in the Military Departments therein mentioned; and to report such Observations as shall occur to them for correcting or preventing any Abuses and Irregularities, and for the better conducting and managing the Business of the said Departments, to continue in force for Two Years, and from thence until the Expiration of Six Weeks after the Commencement of the then next Session of Parliament. [5th June.]

48. An Act for appointing Commissioners for putting into Execution an Act of this Session of Parliament, for continuing and granting to His Majesty a Duty on Pensions, Offices, and personal Estates, in England, and certain Duties on Sugar, Malt, Tobacco, and Snuff, in Great Britain, for the Service of the Year 1805; and

an Act, made in the 38th Year of His present Majesty, for granting an Aid to His Majesty, by a Land Tax to be raised in Great Britain, for the Service of the Year 1798. [5th June.]

49. An Act to repeal certain Parts of an Act, made in the 43d Year of His present Majesty, for granting a Contribution on the Profits arising from Property, Provisions, Trades, and Offices, and to consolidate and render more effectual the Provisions for collecting the said Duties. [5th June.]

50. An Act for regulating Licences for the Sale of spirituous Liquors, Wine, Beer, Ale, and Cyder, by retail, and for discouraging the immoderate use of Spirituous Liquors in Ireland. [5th June.]

51. An Act for granting to His Majesty certain additional Stamp Duties, for amending the Laws relating to the Stamp Duties, and for indemnifying Persons who have acted as Notaries Public, without being duly licensed, in Ireland. [27th June.]

52. An Act for the better Regulation of Licences to Persons in Ireland dealing in exciseable Commodities, and engaged in the several Occupations therein mentioned. [27th June.]

53. An Act for the Collection of the Malt Duties in Ireland, and regulating the Trade of a Malster. [27th June.]

54. An Act to amend an Act, made in the 9th Year of King George the First, for amending the Laws relating to the Settlement, Employment, and Relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor. [27th June.]

55. An Act to amend an Act, made in the 25th Year of His present Majesty, for better examining and auditing the Public Accounts of this Kingdom, and for enabling the Commissioners in certain Cases to allow of Vouchers although not stamped according to Law. [27th June.]

56. An Act for further continuing, until the 1st Day of February 1809, an Act, made in the 27th Year of His present Majesty, for enabling the Commissioners of the Treasury to let to farm the Duties on Horses, let to hire for travelling Post, and by Time. [27th June.]

57. An Act to consolidate and extend the several Laws now in force for allowing the Importation and Exportation of certain Goods and Merchandize into and from certain Ports in the West-Indies. [27th June.]

58. An Act to repeal an Act, made in the 23d Year of His present Majesty, for the better Regulation of the Office of Paymaster-General of His Majesty's Forces, and the more regular Payment of the Army; and for the more effectually regulating the said Office. [27th June.]

59. An Act for amending an Act, passed in the Parliament of Ireland, in the 35th Year of His present Majesty, for regulating the Election of Members to serve in Parliament, so far as relates to Freeholds under the yearly value of Twenty Pounds, and for making further and other Regulations relating thereto. [27th June.]

60. An Act for making Allowances in certain Cases to Subaltern Officers of the Militia of Great Britain while disembodied. [27th June.]

61. An Act to revive, and further continue, until the 25th Day of March 1806, and amend so much of an Act, made in the 39th and 40th Years of His present Majesty, as grants certain Allowances to Adjutants and Serjeant Majors of the Militia of England disembodied under an Act of the same Session of Parliament. [27th June.]

62. An Act for defraying the Charge of the Pay and Clothing of the Militia in Great Britain for the Year 1805. [27th June.]

63. An Act for defraying, until the 25th Day of March 1806, the Charge of the Pay and Clothing of the Militia of Ireland; for holding Courts Martial on Serjeant Majors, Serjeants, Corporals, and Drummers, for Offences committed during the Time such Militia shall not be embodied; and for making Allowances in certain Cases to Subaltern Officers of the said Militia during Peace. [27th June.]

64. An Act to amend an Act, made in the 41st Year of His present Majesty, for granting Bounties for taking and bringing Fish to the Cities of London and Westminster, and other Places in the United Kingdom. [27th June.]

65. An Act to continue, until the 29th Day of September 1806, and from thence until the End of the then next Session of Parliament, for appointing Commissioners to enquire into the Fees, Gratuities, Perquisites, and Emoluments, which are or have been lately received into the several Public Offices in Ireland therein mentioned, to examine into any Abuses which may exist in the same, and into the present mode of receiving, collecting, issuing, and accounting for Public Money in Ireland. [27th June.]

66 An Act to prevent, in Great Britain, the illegally carrying away Bark, and for amending two Acts, passed in the 6th and 9th Years of His present Majesty's Reign, for the Preservation of Timber, Trees, Underwoods, Roots, Shrubs, Plants, Hollies, Thorns, and Quicksets. [27th June.]

67. An Act for granting to His Majesty an additional Duty on Spanish Red Wine imported into Great Britain. [27th June.]

68. An Act for making perpetual, and amending, several Laws for encouraging the making of Sail Cloth in Great Britain, and securing the Duties on Foreign Sail Cloth imported, and for making perpetual several Laws for permitting the Exportation of a certain Quantity of Corn and Grain to Guernsey, Jersey, and Alderney, and for regulating the Fees of Officers of the Customs, and of Naval Officers in the British Colonies in America, and of the Officers of the Customs in Newfoundland. [27th June.]

69. An Act for vesting in the Barrack Master General for the Time being, Estates held or occupied for the Barrack Service, and authorising him to sell the same with the Consent of the Lords Commissioners of His Majesty's Treasury. [27th June.]

70. An Act to rectify a Mistake in the Name of one of the Commissioners appointed by an Act, passed in the present Session of Parliament, for appointing Commissioners to enquire into the Public Expenditure, and the Conduct of Public Business, in the Military Departments therein mentioned. [27th June.]

71. An Act to amend the several Laws relating to the Duties under the Management of the Commissioners for the Affairs of Taxes. [27th June.]

72. An Act for the Encouragement of Seamen, and for the better and more effectually manning

His Majesty's Navy during the present War. [27th June.]

73. An Act to enable the Commissioners of the Treasury to contract with certain Proprietors of Stock created by two Acts, passed in the 37th and 42d Years of His present Majesty, for granting other Annuities in lieu thereof, or to pay the same off at the Period herein mentioned. [27th June.]

74. An Act for granting to His Majesty a Sum of Money to be raised by Lotteries. [27th June.]

75. An Act to remove Doubts touching Appointments to certain Offices in the Court of Chancery made during the Vacancy of the Office of Register, and Keeper of the Register and Registers in that Court. [27th June.]

76. An Act to amend an Act, made in the Parliament of Ireland, for the Support of the Honour and Dignity of His Majesty's Crown in Ireland, and for granting to His Majesty a Civil List Establishment, under certain Provisions and Regulations. [2d July.]

77. An Act to amend, and render more effectual, an Act, passed in the 42d Year of His present Majesty's Reign, for consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into one Act. [2d July.]

78. An Act to indemnify all Persons concerned in advancing Forty Thousand Pounds to Messrs. Boyd, Benfield, and Company, in 1796, out of Monies issued for naval Services. [2d July.]

79. An Act to amend several Acts, passed in the Parliament of Ireland, for appointing Commissioners to enquire into the Losses of such of His Majesty's loyal Subjects as have suffered in their Property during the Rebellion in Ireland, and for other Purposes in the said Acts mentioned. [2d July.]

80. An Act for continuing several Laws relating to the regulating the Prices at which Corn and Grain may be exported from Great Britain to Ireland, and from Ireland to Great Britain; and to the Admission to entry of Oil and Blubber of Newfoundland taken by His Majesty's Subjects carrying on the Fishery from, and residing in, the said island, until the 25th Day of March 1806; and for reviving, amending, and continuing, for the same Term, an Act of the last Session of Parliament, for permitting the Importation of Hides and other Articles in Foreign Ships. [2d July.]

81. An Act to amend an Act, made in the 31st Year of His present Majesty, for the better Regulation and Government of Seamen employed in the coasting Trade. [2d July.]

82. An Act for repealing the Duty chargeable on Woollen Goods, of the Manufacture of Great Britain, exported to the East-Indies. [2d July.]

83. An Act to continue the Operation of an Act, passed in the last Session of Parliament, to suspend proceedings in Actions, Prosecutions, and Proceedings, under certain Acts relating to the Woolen Manufacture, and also under an Act of the Reign of Queen Elisabeth, so far as relates to certain Persons employed or concerned in the said Manufacture. [2d July.]

84. An Act for making more effectual the gracious Intentions of Her late Majesty Queen Anne, for the Augmentation of the Maintenance of the Clergy, so far as relates to the Returns of Certificates into the Exchequer, and Gifts of personal Property. (2d July.)

85. An Act for authorising the Commissioners of His Majesty's Treasury in Great Britain to advance a certain Sum of Money, to be applied in completing the Crinan Canal. (2d July.)

86. An Act to explain and amend an Act, made in the last Session of Parliament, to regulate the Importation and Exportation of Corn, and the Bounties and Duties payable thereon. (10th July.)

87. An Act to authorise the Lords Commissioners of His Majesty's Treasury to permit certain Articles to be warehoused in different Ports in Great Britain, upon giving Security for the Payment of Duties upon the Articles therein mentioned. (10th July.)

88. An Act for repealing the Duties of Customs on Cochineal Dust and Granilla imported into Great Britain, and for granting other Duties in lieu thereof. (10th July.)

89. An Act to alter and extend the Provisions of the Laws now in force for the Punishment of the Forgery of Bank Notes, Bills of Exchange, and other Securities, to every Part of Great Britain. (10th July.)

90. An Act to empower His Majesty to retain upon full Pay and Allowances Officers of the Militia during the War, notwithstanding the Reduction. (10th July.)

91. An Act for appointing additional Commissioners for the better examining and auditing certain of the Public Accounts of Great Britain. (10th July.)

92. An Act to amend two Acts, of the 13th and 44th Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another. (10th July.)

93. An Act to amend two Acts, passed in the 43d and 45th Years of His present Majesty, for regulating the Drawbacks and Bounties on the Exportation of Sugar from Great Britain. (10th July.)

94. An Act for reducing the Duty of Excise on Hops, the Growth of Great Britain. (10th July.)

95. An Act to amend so much of an Act, of the 43d Year of His present Majesty, for consolidating certain of the Provisions of the Acts relating to the Duties in Scotland under the Management of the Commissioners for the Affairs of Taxes, as relates to the Appointment of Assessors and Sub-collectors, and the Notices required to be delivered to Persons assessed to the said Duties. (10th July.)

96. An Act for continuing the Premiums allowed to Ships employed in the Southern Whale Fishery. (10th July.)

97. An Act to indemnify all Persons who have been concerned in issuing an Order of Council and Directions for extending the Time of certain Ships continuing to perform Quarantine. (10th July.)

98. An Act for increasing the Drawback on Linens exported from Great Britain to the West Indies. (10th July.)

99. An Act for regulating and encouraging the Trade; for the Improvement of the Revenue; and Prevention of Smuggling to and from the Isle of Man. (10th July.)

100. An Act for better regulating the distilling of Spirits in England for Exportation to Scotland, and in Scotland for Exportation to England; for the better securing Licences to distil Spirits for Scotland. (10th July.)

101. An Act to repeal so much of an Act, passed in the 9th Year of the Reign of His late Majesty King George the Second, intituled, "An Act to restrain the Disposition of Lands, whereby the same become unalienable," as restrains Colleges within the two Universities of Oxford and Cambridge from purchasing or holding Advowsons, except as therein is provided. (10th July.)

102. An Act to revive and continue an Act, made in the 31st Year of His present Majesty, intituled, "An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported." (10th July.)

103. An Act for charging additional Duties of Customs on Straw Platting, and on Straw Hats or Bonnets imported into Great Britain. (10th July.)

104. An Act to continue, until the 29th Day of September 1806, and amend several Acts for regulating and securing the Collection of the Duties on Spiritous Liquors distilled in Ireland, and the warehousing of such Spirits for Exportation. (10th July.)

105. An Act to continue, until the 29th Day of September 1806, and amend several Acts for regulating the Collection of the Duties in Ireland on Fire Hearths, on Dwelling Houses, on Coaches and other Carriages, on Male Servants, on Horses, and on Dogs. (10th July.)

106. An Act to continue, until the 29th Day of September 1806, and amend several Acts for regulating and securing the Collection of the Duties on Paper made in Ireland, and on Paper printed or stained in Ireland to serve for Hangings or other Uses. (10th July.)

107. An Act for charging, until the 25th Day of March 1806, an additional Duty on Spanish Red Wine imported into Ireland. (10th July.)

108. An Act to continue, until the 29th Day of September 1806, several Acts for the better Collection and Security of the Revenues of Customs and Excise in Ireland, and for preventing Frauds therein. (10th July.)

109. An Act to amend so much of an Act for granting to His Majesty several Sums of Money for defraying the Charge of certain permanent Services in Ireland, as relates to the Military Survey of Ireland. (10th July.)

110. An Act for exempting from the Duties on Profits arising from Property the first Half-yearly Dividend on Annuities, under an Act of the present Session for raising the Sum of One Million Five Hundred Thousand Pounds by way of Annuities, for the Service of Ireland, which shall not have been written into the Books of the Bank of England. (10th July.)

111. An Act to amend and render more effectual an Act, made in the Parliament of Ireland, in the 5th Year of His present Majesty, intituled, "An Act for erecting and establishing Public Infirmaries and Hospitals in this Kingdom." (10th July.)

112. An Act to appoint Commissioners to enquire and examine into any Irregularities or Abuses which may have taken place in conducting and managing the Paving, Cleansing, and Lighting the Streets of Dublin, and to provide for the Suspension of the Powers and Authorities of the Corporation of Directors and Commissioners for Paving, Cleansing, and Lighting the said Streets, and for vesting the same in other Persons during such Suspension; and for the better conducting and managing the Business of the said Corporation. (10th July.)

113. An Act for granting a certain Sum of Money towards improving the Harbour on the North Side of the Hill of Howth, near Dublin, and, and rendering it a fit Situation for His Majesty's Packets. (10th July.)

114. An Act for enabling the Commissioners of the Treasury of Great Britain to advance a certain Sum of Money to the Lord Provost, Magistrates, and Council of the City of Edinburgh, towards the Completion of the Docks and other Works in the Harbour of Lieth. (10th July.)

115. An Act for purchasing certain Buildings and Ground in and near Palace Yard, Westminster, for the Use of the Public. (10th July.)

116. An Act for enabling His Majesty to grant a certain Creek called Chelson Bay, otherwise Shilston Bay, in or near the Parish of Plympton Saint Mary, in the County of Devon; and for vesting the same, for a valuable consideration, in the Right Honourable John Lord Boringdon, and his Heirs. (10th July.)

117. An Act to continue the Proceedings in the House of Lords, touching the Conduct of Luke Fox, Esq. one of the Judges of the Court of Common Pleas of that Part of the United Kingdom, called Ireland, notwithstanding any Prorogation or Dissolution of Parliament. (10th July.)

118. An Act for raisihg the Sum of Eight Millions by Loans or Exchequer Bills, for the Service of Great Britain, for the Year 1805. (10th July.)

119. An Act for raising the Sum of Two Millions Five Hundred Thousand Pounds, by Loans or Exchequer Bills, for the Service of Great Britain, for the Year 1805; and for indemnyfying the Bank of England for having advanced Money for the Public Service on the Credit of certain Exchequer Bills. (10th July.)

120. An Act for raising the Sum of One Million Five Hundred Thousand Pounds, by Loans or Exchequer Bills, for the Service of Great Britain, for the Year 1805. (10th July.)

121. An Act for the more effectual Prevention of Smuggling. (12th July.)

122. An Act for charging additional Duties on the Importation of Foreign Plate Glass into Great Britain. (12th July.)

123. An Act for settling and securing a certain Annuity on John Duke of Atholl, and the Heirs general of the seventh Earl of Derby. (12th July.)

124. An Act to amend an Act, passed in the 4th Year of His present Majesty, intituled, "An Act for preventing Inconveniencies arising in Cases of Merchants, and such other Persons as are within the Description of the Statutes relating to Bankrupts being entitled to Privilege of Parliament, and becoming insolvent, and to prevent Delay in the entering Appearances in Actions brought against Persons having Privilege of Parliament. (12th July.)

125. An Act to provide that the Proceedings now depending in the House of Commons, upon Articles of Charge of High Crimes and Misdemeanors, which have been exhibited against Henry

Lord Viscount Melville, shall not be discontinued by any Prorogation or Dissolution of Parliament. (12th July.)

126. An Act to indemnify Persons who shall give Evidence against Henry Lord Viscount Melville, upon the Impeachment voted against him by the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, in respect of Acts done by such Persons in any Office or Employment held by them under the said Lord Viscount Melville, during the Time he held and enjoyed the Office of Treasurer of His Majesty's Navy. (12th July.)

127. An Act to vest the Townleian Collection of antient Sculpture in the Trustees of the British Museum for the Use of the Public. (10th July.)

128. An Act for allowing, under certain restrictions, until the 1st Day of August 1806, the bringing a limited Quantity of Coals, Culm, or Cinders, to London and Westminster by inland Navigation. (12th July.)

129. An Act for granting to His Majesty a certain Sum of Money out of the Consolidated Fund of Great Britain, and for applying certain Monies therein-mentioned for the Service of Great Britain, for the Year 1805, and for further appropriating the Supplies granted in this Session of Parliament. (12th July.)

APPENDIX

TO THE

PARLIAMENTARY DEBATES.

VOL. V.

PARLIAMENTARY PAPERS.

REPORT FROM THE SELECT COMMITTEE UPON THE TENTH NAVAL REPORT, &c. —*Ordered to be printed 27th May* 1805.

The Select Committee to whom the Tenth Report of the commissioners of Naval Enquiry (respecting the office of the treasurer of his majesty's navy) was referred, to enquire into the application of any monies issued to the treasurer of the navy for naval services, to purposes not naval; and whether any, and what representations were made to the lords commissioners of his majesty's treasury, or the chancellor of the exchequer, respecting the withdrawing from the bank any sums of money so issued, since the passing of the act of 25 Geo. III. c. 31.; and also into the proceedings had for the recovery of the debt due to the crown by the late Adam Jellicoe;—have agreed to the following report.

IN taking into our consideration the three subjects which are referred to your committee, it occurred to us, that though the first, in terms, comprehends an enquiry, generally and without restriction, into the application of any monies issued to the treasurer of the navy for naval services, to purposes not naval; yet it must necessarily have been the intention of the house to exclude from our consideration all such monies so issued and so applied as were to be the subject of measures which the attorney general was directed, by an order of the house, to take "by due course of law, for ascertaining and recovering any sums of money that may be due from lord Melville and Alexander Trotter, esq. in respect of any profits derived by them from monies issued for naval services, and that may have come to their hands subsequent to the first of January 1786:"—We, therefore, conceived it not to be our duty to enquire, whether any sums issued for naval purposes had been applied by lord Melville or Mr. Trotter to their own use, for which they would be responsible in the civil suit to be instituted against them.—In prosecuting our enquiry with this reserve, it could not be previously known to us, how any particular sum of money so issued had been applied, till such sum had been traced to the actual application of it. We were therefore necessarily, in some instances, led into an examination, which, without adverting to this difficulty, might appear to exceed the bounds of the enquiry, which we understood to have been prescribed to us; leaving it to the party examined to object to the questions that were proposed to him, on the ground of their tending personally to charge him, whenever he thought fit to do so.—Of the sums issued for naval services, and afterwards applied to purposes not naval, which the cause of this enquiry brought into our view, it appears that the sum of 40,000l. came into the hands of lord Melville, and was advanced by the joint concurrence of his lordship and Mr. Pitt, then chancellor of the exchequer, for the use of the house of Messrs. Boyd and company.—Another sum of 10,000l. so issued, appears to have come to the hands of lord Melville, previous to the paymastership of Mr. Trotter; but how it was applied, the evidence to which we have had the opportunity of resorting, does not enable us to determine.—Various sums appear also to have been advanced by Mr. Trotter, during a period of between fourteen and fifteen years, whilst he was paymaster of the navy under lord Melville, to the order of lord Melville, amounting in all to 22 or 23,000l. which we shall distinguish by the name of the Aggregate sum of 22 or 23,000l. about one half of which, Mr. Trotter states to have been advanced exclusively from public money; the rest from a fund, which is called in Mr. Trotter's evidence, his mixed fund at Messrs. Coutts, consisting partly of public and partly of private money; for which aggregate sum of 22 or 23,000l. no interest was paid.—In order to avoid confusion, it may be proper here to state, that Mr. Trotter was desired by lord Melville to borrow for him, and did advance to him for his private use, a further sum of between 22 and 23,000l. of which he was himself the lender, and for which he charged him with interest at 5l. per cent.; but from what fund the same was drawn by Mr. Trotter, we did not think it proper to enquire.—He was also occasionally in advance in his account current to lord Melville, in sums to the amount of from 10 to 20,000l. as mentioned in the tenth report, which came entirely from the mixed fund at Messrs. Coutts and company (the balance upon that account being also occasionally in favour of lord Melville to the amount of 2 or 3,000l.) and for the last mentioned sum of 22 or 23,000l. so lent on interest, as well as for such balance when it was in favour of Mr. Trotter, he states, that, he considered lord Melville as his private debtor; but on such balances in the account current, no interest on either side was paid.—Of the specific sum therefore of 22 or 23,000l. so lent on interest, and those occasional advances in the account current from the mixed fund at Messrs. Coutts and company, mentioned in the appendix to the tenth report, we shall abstain altogether from taking further notice; confining our remarks to the several sums of 40,000l. 10,000l. and the aggregate sum of 22 or 23,000l. upon none of which any interest was paid.—As to the 40,000l. the diversion of it from naval services to which it was appropriated, contrary to the provisions and meaning of the 25th of Geo. III. c. 31. attracted our earliest attention, and called for a full and minute enquiry into the causes and circumstances of that transaction.—For this purpose, several witnesses have been called before us, from whose evidence it appears, that in December 1795 a contract was made by government with the houses of Messrs. Boyd and company, Robarts and company, and Goldsmid and company, for a loan of 18,000,000; of which, in the beginning of the month of September 1796, three instalments, of 15 per cent. each, were still due; and that about the month of April 1796 a loan of seven millions and an half was negotiated by the chancellor of the exchequer, in order to fund a sum to that amount of exchequer bills and navy bills held by the Bank, principally for the purpose of relieving the company from their advances to government, which then pressed heavily upon them. That loan was contracted for conjointly by the same parties who were concerned in the preceding loan; all houses at that time of unsuspected credit; each house being generally considered subsequent to the payment of the deposit for which they were all jointly liable, responsible only for the amount of the shares then held by them respectively. Of the latter loan, in the beginning of September 1796, two instalments, of 15 per cent. were due.—In the beginning of the year 1796, from the embarrassment of public credit, and the decreasing state of the specie at the Bank, the governor and directors thought it prudent to restrain their engagements, and upon that account had refused advancing the progressive payments upon the loan of December 1795; but in consideration of the purposes for which the loan of April 1796 had been made, as well as of its being comparatively small, they consented to advance to the contractors, and did advance, the third, fourth, fifth, and sixth payments; requiring them to make the seventh, being the last payment, which was to become due on the 26th of October in that year.—It is stated, in the evidence given to your committee, that the autumn of 1796 was a period of peculiar embarrassment, both of public and private credit, which led to the restrictions of payments in specie at the bank, that took place in February 1797; that there was a very great run on private commercial houses, a great scarcity of money, and a very heavy pressure on the bank for discounts, which they had been obliged materially to narrow, and had thought it necessary to contract their accommodations both to government and the commercial world, not however making any distinction between the house of Boyd and co. and houses of the first mercantile credit in the city of London.—Under these circumstances, at some time before the 9th of September 1796, Mr. Boyd appears to have represented to lord Melville and Mr. Pitt the great pecuniary difficulty and embarrassment of his house; that the Bank had refused to discount their bills, and that, with ample securities in their hands, they were not enabled to raise money to pay the next instalment on the loan, which was nearly due, and requested immediate pecuniary assistance, for the purpose of completing their engagements to government.—It appears to your committee, that in addition to these engagements to government, Messrs. Boyd and co. had large payments to make on account of the emperor of Germany; that they paid, on the 31st of October 1796, a sum of 186,340l. 13s. 1d. on account of the director of the emperor's finances at Vienna; and that, in the whole of the same year, they remitted, on the same account, sums amounting to 4,609,506l. 9s. It appears also in evidence, that it would have been difficult, and perhaps impossible, for Messrs. Boyd and co. to have procured advances upon the securities in their possession (which we shall hereafter mention), or to have converted them into cash; that a payment of 15 per cent. on the loan of 18,000,000l. was due on the 9th of September; and that, had they brought to market such a proportion of their script as was necessary to raise the said sum of 40,000l. in order to make good their engagement, the probable consequence would have been, to increase the discount on script, which at that time amounted, on the loan of April, from 13 to 15 per cent. to affect injuriously the credit of Boyd's house, especially if it had transpired that their necessities compelled them to make such disadvantageous sales, and must thereby have had a general tendency to augment the embarrassment of public credit.—It has also been stated in evidence to your committee, that if a failure in the loans then in progress of payment had been occasioned, either on the whole or in part, by the circumstances above stated, the deficiency could not have been supplied by a fresh loan (had it been necessary to resort to such a measure), except upon terms of very considerable loss and disadvantage to the public.—Under these difficulties, lord viscount Melville, then treasurer of the navy, appears to have suggested to Mr. Pitt, that the sum wanted by Messrs. Boyd and co. might be spared, without a probability that the naval service would suffer any inconvenience from the advance, provided there was a sufficient security for the re-payment; and no other method having occurred, by which much serious mischief to the public could be prevented, it was thought advisable, by the concurrent opinions of lord Melville and Mr. Pitt, that the application of Messrs. Boyd and co. should be complied with, and that the sum of 40,000l. should be advanced, upon a sufficient security being given. And it appears in evidence, that, under the orders of lord Melville, the sum of 40,000l. was drawn from the bank, and on the same day paid over to Mr. Boyd, by Mr. Long, then secretary of the treasury, upon Mr. Boyd's depositing with Mr. Long securities amounting to about 40,700l. consisting, in part, of bills drawn on and accepted by the East India company from their presidencies abroad, the rest in government securities, which Mr. Long transmitted to lord Melville, indorsing upon the cover the purpose for which the securities had been so deposited; that the said sum of 40,000l. had been all repaid; and that, with the exception of two bills on the East India company, one for 4000l. payable in October 1797, the other for 7000l. or thereabouts, payable in January 1798, all the rest of the securities were payable within three months from the time of the deposit.—We do not find that any regular entry or memorandum, either of a public or secret nature, was made of this transaction at the time; the issue of 40,000l. appearing on the books of the Bank not discharged by any corresponding payment on the books of the pay-office, this advance must at all times have been evident upon an inspection of the balances as a debt against the treasurer of the navy; but no entry seems to have been preserved, which would in itself have explained the application of this advance (independent of the evidence of the parties), more particularly after the securities were discharged, and the funds replaced.—In the course of our examination into this subject, we thought it proper to enquire whether, in fact, any inconvenience had been sustained by the naval service, in consequence of the diversion of this portion of naval money, and were more particularly led to this enquiry, by the information, that an accepted bill for 100ol. drawn upon the victualling-office, from Martinique, had been presented for payment, and that on the 18th of February 1797, the day it became due, the holder of it was told at the victualling-office, there was no effects, or something to that purpose; that there were many other bills in the same situation, and he must call again; and that the bill was not paid till the 1st of March, though he had sent it two or three times for payment in that interval.—Upon further enquiry at the victualling-office, it appears, that on the 9th of February 1797, the victualling-office applied for a sum of 70,000l. at the exchequer, for the payment of several bills, in which the bill in question was included; that on the 25th of the same month, 47,000l. was received in part of the 70,000l. for that purpose; and that on the same day the said bill, with many others, was assigned for payment, and would have been discharged on that day, or as soon after as payment had been called for. In this instance, the delay of the assignment, and consequently of payment, appears to have arisen from a delay in the issues from the exchequer, and not from a refusal of payment on the part of the treasurer of the navy; nor has it appeared in evidence, that any delay of payment has been actually occasioned in other branches of the naval service by the advance in question, however such a practice might in possible cases have been productive of a different result.—No interest was demanded from Messrs. Boyd and co. for the money so advanced, and so repaid; but it is to be observed, that no interest would have accrued to the public had the above sum remained in the Bank in conformity to the provision of the act.—As to the sum of 10,000l. it appears in evidence, that upon Mr. Trotter's appointment to the office of paymaster in the year 1786, he was informed by lord Melville, that he, lord Melville, was indebted to the office in the sum of 10,000l. At what time, under what circumstances, and for what purpose, this sum of 10,000l. originally came into the possession of lord Melville, the death of the preceding paymaster, the absence of all public documents relating to it, and the want of any other evidence, prevents us from ascertaining; and we can therefore only state, that this sum was replaced, but without interest, some time subsequent to the year 1786; but the particular time and manner of the re-payment we have not been able to discover.—It appears also in evidence, that upon Mr. Trotter succeeding to the office of paymaster, he was appointed private agent to lord Melville; and was, during his continuance in that office, in the habit of receiving his salary as treasurer, and other branches of his income arising in England, as well as frequent remittances from Scotland; and that the sums received by him on lord Melville's account were paid into the mixed fund at Messrs. Coutts: that during the fourteen or fifteen years of his being paymaster, he at various times advanced various sums of money on account of lord Melville to Mr. Tweedy, and to other persons, amounting to another sum of about 22 or 23,000l. being the said aggregate sum before-mentioned; that the sums paid to Mr. Tweedy amounted once or twice to 3 or 4000l. that of the said aggregate sum of 22 or 23,000l, about one half was advanced exclusively from the public money; the rest from the mixed fund at Messrs. Coutts, where all his private money was kept; and the whole had been repaid, but without any interest.—At what specific periods these several sums were paid by Mr. Trotter, or re-paid by lord Melville, we are unable to find out; all the vouchers, memorandums, and writings, relating to the transactions and accounts between them, having been destroyed about the time when releases, containing a covenant for that purpose, were mutually executed upon the settlement of their accounts, viz. by lord Melville, on the 18th of February 1798, at Melville Castle, and by Mr. Trotter, on the 23d of Feb. 1798,* in London. Mr. Trotter states, that he also destroyed all the books in which the accounts between lord Melville and himself were kept, and which contained the accounts of other persons besides those between lord Melville and Mr. Trotter; but which had all been closed, except some small accounts between Mr. Trotter and his friends, which he carried forward into new books.—From the destruction of such books and papers, from the death of Mr. Tweedy, and from want of an opportunity of examining lord Melville, no means were afforded to us of tracing the precise application of the various sums so advanced from time to time to lord Melville's order, and which formed the said aggregate sum of 22 or 23,000l.; or which of these sums specifically were taken from the public money, and which of them from the mixed fund; or in what proportion the sums that might be taken from the mixed fund consisted of public and what of private money.—It appears, however, that Mr. Pitt, in a conversation with lord Melville, since the publication of the tenth report, understood, that, besides the sum of 40,000l. another sum of about 20,000l. issued for navy services, had been applied to purposes not naval, during the last treasureship of lord Melville; but whether the above sum of 20,000l. was or was not included in any of the sums hereinbefore mentioned we are unable to ascertain.—In a letter written by lord Melville to the commissioners of naval enquiry, dated June 30, 1804, contained in the tenth report, he states, that he had not declined to give occasional accommodation from the funds in the hands of the treasurer of the navy to other services; and in another letter to the said commissioners, dated 28th March 1805, he declares, he never knowingly derived any advantage from any advances of public money.

Upon the second head of enquiry referred to us by your order, viz.—Whether any, and what representations were made to the lords commissioners of his majesty's treasury, or the chancellor of the exchequer, respecting the withdrawing from the Bank any sums of money so issued, since the passing of the act of the 25th Geo. III. c. 31.; your committee do not find that any such representations have ever been made to the lords commissioners of his majesty's treasury, nor any such representations to the chancellor of the exchequer; except what is stated in the evidence annexed of Mr. Raikes, and is admitted in the evidence of Mr. Pitt: from whence it appears, that some time in the year 1797, Mr. Raikes, at that time governor of the Bank, had occasion to hold an official intercourse with Mr. Pitt by the authority of the Bank; and that when the official business was over, in consequence of information which he had received from Mr. Giles and Mr. Newland, he told Mr. Pitt, in conversation, of his having heard at the bank that morning, that the treasurer of the navy now kept cash at Messrs. Coutts and co.'s and that navy bills were paid by drafts on Messrs. Coutts and co. inſtead of drafts upon the bank; and Mr. Pitt thanked him for the information; that the above was the purport of the communication to Mr. Pitt, though the length of time that had intervened prevented his being sure as to the terms of it.—Mr. Pitt admits the general import of the communication, with some difference only as to the terms of it; which he does not undertake to recollect with accuracy, but states it in substance to have conveyed to him an impression, that sums were drawn from the Bank and carried to a private banking-house, to a larger amount than was supposed necessary; that he took an early opportunity of stating to lord Melville the information given him by Mr. Raikes; and though he cannot state precisely what further passed between himself and lord Melville upon the subject, it impressed him with a belief, that though sums were drawn from the bank, and lodged at a private banking-house, no sums were so transferred but such as were necessary to carry on the details of the service in payment to individuals; and that it was difficult to carry on the various payments in detail in any other way; that he did not himself particularly advert to the provisions of the act, nor did it occur to him, that drawing from the bank such sums as were necessary for carrying on the details of service was an illegal practice; that relying on the opinion of lord Melville, he made no investigation into the necessity of the practice, and was so far satisfied with the general statement given to him, that he did not think it necessary to communicate the circumstance to any other of his majesty's servants, to make any further enquiry, or to take any further steps upon the subject; that he, Mr. Pitt, had no knowledge or information of any irregularity in the management of the public money advanced for naval services, except from such communication of Mr. Raikes, till he was acquainted, after he was out of office, by lord Harrowby, that he, lord Harrowby, thought the practice which prevailed in this respect had been irregular, and was taking steps to put a stop to it. That he, Mr. Pitt, had no knowledge or reason to suspect any private profit was made of the naval money, or that the business of the office was so conducted as to admit of it till the conversation with lord Harrowby; nor had he any knowledge that private profit had in fact been made, nor that any naval money, except the 40,000l had been diverted to purposes not naval, previous to the enquiry that took place before the commissioners of naval enquiry. And lord Harrowby, in his evidence before us, states, that it did not immediately appear to him, for the reasons given in his evidence, when he was appointed treasurer of the navy in June 1800, that the practice of drawing money from the bank into the hands of a private banker, if carried on *bona fide* for the purpose of official convenience, and for those only, was necessarily illegal, or intended to be prohibited by the act.

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* An error in point of time. See the date of the Release, E.

Upon the last subject of the enquiry referred to us, as to the proceedings had for the recovery of the debt due to the crown by the late Adam Jellicoe; it appears, in the tenth report, p. 159, and the evidence in the appendix to the report therein referred to, that the property of the late Mr. Adam Jellicoe returned by the inquisition taken upon the extent issued in August 1789, had all been sold, and the proceeds carried to account, long antecedent to the writ of privy seal, dated 31st May, 1800; except the patent of Mr. Cort, a farm at Sheffield, a warehouse and wharf at Gosport, and a messuage at Portsmouth Common, all which remain still unsold. It appears also, that the sum of 4000l. was due to Mr. Adam Jellicoe from his son Mr. Samuel Jellicoe; who in his evidence before the commissioners of naval enquiry, states that sum to have been advanced to him by his father upon his entering into business, but that it appeared as a debt due from him on his father's books.—As to the patent, it does not seem that any opportunity has occurred, though endeavours have been used, to make it available to any profitable purpose; the farm at Sheffield has been taken possession of by the mortgagee.—As to the warehouse and wharf, which was valued in the inquisition at 1000l. it has been let to Mr. S. Jellicoe at the rent of 100l. a year; on the 23d of September 1791, 150l. and on the 21st of May, 1800, 875l. for ten years and a quarter's rent for the said wharf and warehouse, was paid by Mr. Samuel Jellicoe to Mr. Trotter, on account of the treasurer of the navy; and as to the 4000l. it appears that Samuel

Jellicoe, not being able to discharge the debt, an agreement was entered into, either between him and Mr. White, or between him and Mr. Trotter, that he should pay it by instalments of 200l. a year; and that, on the same 23d of September, 1791, 300l., and on the same 21st of May 1800, 1,750l. was paid to Mr. Trotter, for the instalments that became due to the 31st of March, 1800.—As to the messuage at Portsmouth Common, let at 12l. a year, no rent seems ever to have been received from it, nor any proceedings had relative to it, subsequent to the extent and inquisition. Since the said 21st of May 1800, no rent for the wharf and warehouse, nor any further instalments on the 4000l. have been paid, nor any measures adopted for the recovery thereof. Mr. Pitt, who, in May 1800, was Chancellor of the Exchequer, but who went out of office early in the year ensuing, in his examination before us, states, that he understood sufficient directions had originally been given to the solicitor of the treasury, to take all measures necessary for the purpose; and Mr. White, solicitor to the treasury, who was employed on the occasion in the year 1798, by Mr. Trotter, on behalf of the treasurer of the navy, admits, that the instructions he received were the instructions usually given on similar occasions, and that under those original instructions, without waiting for further orders, he thought it his duty to proceed, whilst there were any visible effects from which hopes could be entertained of recovering any further sums in discharge of the balance due from Mr. Jellicoe to the public; he also states, that though he had received such general instructions as are before mentioned, yet he thought himself charged only with conducting the law proceedings, and that he understood Mr. Trotter had taken upon himself to examine into the state of the property of Mr. Jellicoe that was recoverable, and had employed persons for that purpose; and Mr. Trotter appears to have collected such parts of the debts and property of Mr. Adam Jellicoe, as he had an opportunity of obtaining, till lord Melville had procured the writ of privy seal; who being thereby indemnified from the charge that stood against him on account of Mr. Jellicoe's deficiency, Mr. Trotter no longer considered himself under the necessity of acting in the business in which he had before acted without any particular authority or obligation; and Mr. White not having heard of the writ of privy seal till after the examination that took place before the commissioners of naval enquiry, and having received no directions either from Mr. Trotter or any other person since the year 1792 or 1793, has not from that period taken any steps whatever relative to the subject; but adds, the rents due may be now recovered; and Mr. Trotter was not able to recollect any debts due to the late Mr. Adam Jellicoe, that he considered as recoverable.—Your committee, duly considering the reference under which their powers are derived, have not felt themselves at liberty to come to any specific resolutions on the merits of the several transactions which have been the subjects of their enquiry; they have deemed it even more consistent with their duty, to abstain from observations, which might seem to convey a judgment upon any of the points in question. They have endeavoured to give the house a correct summary of the material parts of the evidence, confining their remarks strictly within the limits of explanation; leaving the conclusions to be deduced therefrom altogether to the wisdom of the house; but have thought it right to annex, in the Appendix, the whole of the evidence taken before them; considering this course of proceeding, under all the circumstances, as likely to prove more satisfactory to the house, than if they had omitted those parts, which, upon a minute review, they might have thought not immediately relevant to the object of enquiry; trusting, that if in any instance the examinations should appear to have exceeded the strict line of investigation prescribed to them, it will be attributed to the desire they have felt to execute, in the fullest manner, the duty entrusted to them by the house.

[Minutes of Evidence.]—*The Examination of* Alexander Trotter, *Esq.*—*taken before the Committee on the Tenth Naval Report*, 3d May, 1805.—State to the committee what sums were applied to services not naval, of the monies issued for the service of the navy under the treasurership of lord Melville, to what amount, and at what time? Lord Melville never gave me any information upon the application of monies issued under such circumstances, and I only judge of the sum alluded to having been applied to other services, from the circumstance of its having been returned by a person acting in another department of government.—What was that sum? 40,000l. as far as I am informed; it was not issued by me.—By whom was it issued? I believe by Mr. Wilson, who officiated for me during my absence, having been at that time in Scotland.—What was the date of the issue? I am not enabled to inform you with any degree of accuracy, but I think it must have been some time between the middle of August and the end of October, in the year 1796.—Was Mr. Wilson employed to transact business for you during your absence? He was in the habit of officiating for me, but not under any regular power, when I was absent from the office.—By what authority or power could Mr. Wilson issue such 40,000l.? I left him in possession of drafts upon the bank of England, signed by myself as attorney to the treasurer.—Were those drafts filled up by yourself for certain sums, or your signature left to blanks in Mr. Wilson's possession? My signature was affixed to blanks left in Mr. Wilson's possession, and which I found necessary to carry on the business of the pay office to prevent the accident, in case of my illness or occasional absence, of the cashiers making unexpected or sudden demands for the public service.—Were the blanks for the names as well as the sums left? They were.—Had you communications with Mr. Wilson during your absence, on the subject of the accounts of the pay office? I had.—Are those communications preserved? They are not, as far as I know.—What is become of them? Having closed the whole of this business in question, I did not think it at all necessary to preserve any part of the documents relating to it.—What did you do with them? I looked upon them as papers of no consequence; and they must have been destroyed with other papers, which I may also have looked upon as papers of no consequence to be preserved.—Are you sure they are not now in existence? I am positively certain; and that they never consisted, as far as I know, of more than letters which Mr. Wilson had written to me on the subject during my absence.—When did you destroy them? I cannot recollect, but certainly more than one or two years ago; and I fancy in 1803, when I was out of office.—On your return from your absences, did Mr. Wilson give you a regular account in writing of his transactions in the navy pay office during such absences? No; he was not in the habit of doing so.—How then could you see or come at the knowledge of what those transactions had been, or what the conduct of Mr. Wilson had been? I was informed of his transactions, as I have already said, by correspondence with him; and from his very high character, and the perfect confidence which I had in him, I did not find it necessary to require more from him than verbal explanations upon any particular point of transactions which had taken place in my absence.—Did Mr. Wilson keep any account-books or ledgers in which those transactions were registered? I do not believe that any entry was made in any ledger of the transactions which you have particularly alluded to.—(Question repeated.) He kept the public ledgers of the office in which all my public transactions have been regularly entered.—Are those ledgers in existence? They are, and in the navy pay office.—Was the sum of 40,000l. alluded to by you as having been paid by Mr. Wilson for services not naval, in the year 1796, the only sum paid under the same circumstances of which you have any knowledge? It was, as far as I recollect.—Did you never pay any sum or sums yourself by draft or notes, or payment of any description, into the hands of lord Melville, or any person authorised by him, or on his account, of public money issued for naval services for purposes not naval? I have already explained my difficulty to the commissioners of naval enquiry, of discriminating between my public and private monies; and I have already declared to you, that I did not know the application which lord Melville may have made of advances which I may have occasionally made to his lordship.—(Question repeated.) I presume I have.—At what time, and to what amount? My recollection does not enable me to answer that question.—Were any entries made by you, or any person authorized by you, in any books or ledgers, or any memorandum kept of any description, of such payment? I kept regular accounts of all my money transactions with lord Melville, but having closed and settled the whole of them, and a mutual release having passed between us, I have not thought it necessary to preserve any documents respecting my transactions with his lordship.—Are those documents in existence? They are not, as far as I know.—When were they destroyed? At the time I was out of office; I think in 1803.—Did you destroy them? I did; I burnt those I thought unnecessary to keep.—Did those books or documents contain your accounts with any other persons besides my lord Melville? They did.—When was the release before mentioned executed? In the year 1803, to the best of my recollection.—When payments of the description above stated were made, were they always made to lord Melville personally? Not always.—Did you ever? I do not, at this moment, recollect I ever did.—To whom did you ever pay, on lord Melville's account, public money for purposes not naval? I used most frequently to pay them into the hands of the principal money conductor, one of the officers of the navy pay office.—What was his name? Mr. Tweedy; he is now dead.—What other person did you make such payments to? I cannot recollect any other persons at this moment.—How long has Mr. Tweedy been dead? Two or three years since lord Melville's treasureship ceased.—To what other persons did you make such payments to? I do not recollect any other person.—Was there any account between Mr. Tweedy and you? None.—What was the nature of the discharge you received from Mr. Tweedy. I took no discharge.—What authority did Mr. Tweedy produce to you for the payment of such money? The demand for such money had previously been made by lord Melville to myself.—Verbally, or in writing? Verbally.—Did you keep any account of the sums paid to Mr. Tweedy, in consequence of such verbal demands of lord Melville? I entered them in the accounts which I kept with his lordship.—Are they in existence? I have already mentioned, that I had not thought it necessary to preserve any accounts between lord Melville and myself, a mutual release having passed between us.—Do you know the amount of any such sums which you may have paid to Mr. Tweedy?—My recollection does not serve me to specify any such sums.—Do you recollect any thing about the date of such payments? I do not.—Do you recollect what sort of sums they may have been? Once or twice they may have amounted to between 3 and 4000l. but not larger.—To what other persons did you make such payments to, besides Mr. Tweedy? I do not recollect.—In making such payments to Mr. Tweedy, did you consider him as a public officer, or a private agent of lord Melville? I obeyed lord Melville's directions in paying the money to him, without pretending to consider whether he was a private agent or not.—Had you any public money transactions with Mr. Tweedy officially? I had.—Where were those public official transactions recorded? In the Navy Pay Office.—Are the payments to Mr. Tweedy, by lord Melville's verbal order, recorded there also? They are not in any inſtance.—Do you know into whose hands the 400,000l. paid by Mr. Wilson during your absence in the year 1796, for purposes not naval, was placed? I only know from the information which Mr. Wilson has given me upon that subject.—What was that information? That he had paid the money to lord Melville.—By whom, and at what time, was that money returned? I have already stated in general terms, that I believe it to be returned by Mr. Long; but I can only speak with my own knowledge in respect to the last payment, which, as far as I can recollect, amounted to 6,000l. and which was returned to me by Mr. Long some time in January 1798.—At what period or periods was the 34,000l. returned, and to whom? I have no further knowledge of the circumstance, as I was much in Scotland in the latter end of 1796, and in the year 1797, and the repayments were made, to the best of my knowledge, during my absence; but I am very certain that the 6,000l. which I received in January 1798, completed the full repayment of the 40,000l.—Were any entries made in the office-books of such repayments? None that I know of.—How then did you come to the conviction of the payment of 6,000l. in January 1798, making the balance of the 40,000l. paid out as before stated in the year 1796? From a knowledge which I have at all times had of the state of my balances, by which I must have seen when any deficiency that may have existed was paid up.—How came you then not to see the dates of the repayments of such 34,000l.? I make no doubt that I may have seen the dates, but I have no recollection of them whatever.—Where were they recorded? In my own private books.—Where are those books? They are the books before mentioned, which I did not think necessary to preserve.—Were the sums paid to Mr. Tweedy by lord Melville's verbal order ever returned to you, or in any way repaid to the account of the public in the navy pay office, or to any other fund? They have unquestionably been all repaid to me, and I have accounted for the whole of the money that has been put under my charge for naval services.—Did lord Melville pay interest to you for such sums during the time they were in his possession? Lord Melville has paid me interest for sums of money, but not upon those which I have stated to have been paid to Mr. Tweedy.—Who are Mr. Tweedy's executors? He left two sons, but whether they are his executors or not I do not know.—Was any interest paid on the 40,000l. advanced during your absence by Mr. Wilson? None that I know of.—Were the sums advanced to Mr. Tweedy advanced out of the mixed fund at Messrs. Coutts, or were they advanced out of a fund which consisted exclusively of public money? I do not recollect any other advances than those made out of the mixed fund at Messrs. Coutts.—What reason had you for considering that the 40,000l. was advanced out of the public money? It was from a general impression which I received from the communications made to me upon this subject, and I do not know whether this 40,000l. was advanced from Messrs. Coutts or not.—What may have been the total amount of money, described to be advanced at different times to

Mr. Tweedy by order of lord Melville, as nearly as you can recollect? The total amount of monies of this description, to the best of my recollection, have never, in the whole, exceeded 30,000l. until the sum of 40,000l. was added to it; but I cannot state with certainty that the whole of the sums constituting that 30,000l. was advanced to Mr. Tweedy.—To whom was any part of the 30,000l. advanced, which was not paid to Mr. Tweedy? I have already stated, that I do not recollect.—Within what period of time did these issues take place? I mean to comprehend the whole time during which I acted as paymaster under lord Melville, for 14 or 15 years.—Why did you destroy papers in which other persons accounts were kept, as well as lord Melville's. Because the whole of my accounts were closed upon my leaving London, excepting some private family concerns, and very small accounts between my friends and myself, which I carried forward into new books. I desire to state to my former answer, that 10,000l. of the 30,000l. had accrued before I was appointed to my office.—By whom was the 10,000l. advanced? I do not know.—How did you know the existence of such a debt? By lord Melville's acknowledgment to me.—To whom did he acknowledge himself debtor? To the office.—Of how long standing had that debt been? I have no knowledge of the circumstance.—To whom was that 10,000l. repaid? It must have been repaid to me.—In what capacity did you receive that sum that you had never advanced? In capacity of paymaster.—Did you then conceive it to be a debt due to the public? I did.—Was any interest paid upon it? None.—Had not lord Melville made such acknowledgment, could you have traced such debt due from him to the public, in any of the office-books? I could certainly have told that the balance of the account put under my charge was so much deficient.—Was lord Melville debited for such sum in any of the books? He was not.—What was the nature of the acknowledgment of lord Melville? Merely verbal.—Did you conceive Mr. Tweedy acting as a private agent for lord Melville, or ever acting for him in that capacity? I consider him, in these instances, to have been acting for his lordship in a private capacity.—Explain private? Merely as a person sent to me by his lordship to receive the money which I had previously been directed to pay to him.—Were those directions from lord Melville to procure money generally, or to procure him public money? To procure money generally.—Did you consider Mr. Tweedy merely as a messenger to carry the money to lord Melville, or concerned in the application of the money? Merely as a messenger.

The further examination of Alexander Trotter, esq. taken on the 4th May 1805.

Of the sums you have advanced from time to time to lord Melville, not exceeding the 20,000l. as mentioned yesterday, do you know whether any part of it was applied to any public purpose? I do not, but I beg to be understood, that this sum which I mentioned yesterday, is not connected with the sums which I have mentioned before the commissioners of naval enquiry to have been occasionally in advance to lord Melville, and for which I accounted his lordship my private debtor.—In the tenth report it is mentioned, that a certain sum was left in Mr. Trotter's hands, as the balance of the first part of the second treasureship, where is that sum now, amounting to 5484l. 15s. 3d.? The greater part of it is still in my possession, but a small part has been paid away at one payment.—What was the amount of the small payment? I issued 200l. to the cashier to make payment of a larger demand, assisted by money in the cashier's hands.—When was that payment made? It was made in December 1804, and I have taken measures within these two days to pay up the whole balance.—What are the measures you have taken? I have enquired into the amount of balances remaining unassigned in that treasureship, with a view to procure assignments being made so as to reduce the balance.—To whom do you propose to pay the balance, when it is so reduced? The account being nearly closed, I expect directions from the auditor's office to pay the balance into the exchequer.—What obstacles have there been in the way to an earlier settlement of this account? From the peculiarly intricate manner in which the account of the ex-treasurers are required to be closed, but which intricacy arises from the minute accuracy which is observed.—There is a certain sum mentioned in the 135th page of the tenth report of the commissioners of naval enquiry, of the sum of 5563l. 6s. 2¼d. which was paid into lord Melville's own hands in May or June 1800, which was the balance of lord Melville's first treasureship, ending in 1783; do you know where that sum now is? I do not, any further than I have heard lord Melville, within these three weeks or a month say, that he meant to pay it immediately into the exchequer.—From the state of the accounts of lord Melville's first treasureship, could that balance have been earlier paid into the exchequer?—I apprehend not until within these three or four months, until which time that account of his lordship had not been delivered to the auditors.—Upon what does that depend, the delivery to the auditors? The final arrangement of the account, in the minute manner in which I have endeavoured to describe, in which the whole payments made in the treasureship are brought to agree in the account of the sums as certified to the several boards, with the account made up in a different form, and delivered to the auditors.—Whether any of the payments which you had made to Mr. Tweedy, by lord Melville's direction, had any relation to those circumstances which lord Melville had confidentially communicated to you, and which you did not deem yourself at liberty to relate, as mentioned in page 203 in the tenth report? I had no such allusion.—[The witness desires to amend his evidence of yesterday, as to sums advanced to other persons besides Mr. Tweedy: (see *page* xv. *line* 3.) In looking at my banker's book, I find that I have occassionally made payments into the houses of Messrs. Drummond and Messrs. Coutts, and to my lord Melville's secretary, Mr. Alves, and other members of his lordship's family.]—Do you mean to say that all these payments, added to the payments made to Mr. Tweedy, do not exceed in the whole, and during the whole time of your acting as paymaster to lord Melville, the sum of 20,000l.? Upon a further consideration of the sums which I stated yesterday, I should wish to add to that sum 2 or 3000l.—When did your private agency begin with lord Melville? I do not recollect; I had no regular appointment as private agent.—Were any acts of private agency performed by you for lord Melville, previous to your appointment as paymaster of the navy? Not any.—When did the private agency cease? It has not ceased.—Have you performed any act of private agency since the execution of the releases in 1803? I have.—What do you mean by members of lord Melville's family? I mean his domestic servants.—[The witness wishes to amend his answer of yesterday, in (*page* xvi. *line* 49)—I have already amended my evidence of yesterday, so far as to say, that I had made advances for lord Melville to others besides Mr. Tweedy; and I have now further to amend my answer of yesterday, by saying, that some of those advances made to others than Mr. Tweedy, but constituting the sum as I said yesterday of 20,000l. and to which to-day I have added 2 or 3000l. were advanced from funds exclusively of public money; and I wish in this to refer to my evidence given before the commissioners of naval enquiry, in page 220, as an explanation to an answer that I then gave on that subject, and which, as I did not recollect at that time the circumstances now mentioned, was then perfectly correct; and I must further amend my evidence of yesterday by now saying, that I do not think lord Melville gave me verbal, or any instructions, in some instances wherein I had advanced sums of money for his lordship to Mr. Tweedy.]—Upon what authority, then, did you make such advances? I acted in those instances from my own judgment in the management of his lordship's concerns.—You had at times verbal instructions from lord Melville? Yes, I had.—Of the sums advanced to Mr. Tweedy and others, for the use of lord Melville, stated by you yesterday to amount to the sum of 20,000l. to which you have added a further sum of 2 or 3000l. to-day, can you now, upon recollection, state how much was public and how much private money? I have no means to enable me to state that circumstance with accuracy.—Please to state it generally? As nearly as I can state it, about one half public and one half private.—Do you mean to say one half exclusively public? I do.—Do you mean the other half exclusively private? I mean the other half to have been principally advanced from my account at the house of Messrs. Coutts and co.—Of the advances from 10 to 20,000l. mentioned in the tenth report to have been made by you to lord Melville at different times, have you now any means of judging what part was public and what private money? I believe the whole to have been advanced from my accounts at the house of Messrs. Coutts and co.—Was interest always paid by lord Melville to you on those advances? It was not.—Was it ever paid? No; his lordship paid me no interest for those advances.—What was it that induced you to exercise your judgment in making payments to Mr. Tweedy, without any direction from lord Melville so to do; was it from any knowledge of the manner in which the money so paid to Mr. Tweedy was to be applied on account of lord Melville? I allude to private transactions in the management of lord Melville's private business, in which I had general directions, although not specific directions on every occasion.—Are the committee to understand that some of the payments made to Mr. Tweedy, on lord Melville's account, were made to Mr. Tweedy as to a person who had the management of lord Melville's private affairs? Mr. Tweedy had not the management of lord Melville's private affairs.—Explain to the committee what circumstance could induce you to pay to Mr. Tweedy money on account of lord Melville's private affairs, without lord Melville's direction, and without considering Mr. Tweedy as being any private agent of lord Melville's? I have already said that I had general directions from lord Melville in the management of his private affairs, though not specific ones in every instance; and when any sum of money came into my hands upon his lordship's account, I have taken it upon me to apply that money without directions from his lordship.—What were those general directions? It was a general permission to act for lord Melville as I thought proper, in his private affairs.

The further examination of Alexander Trotter, esq. taken the 6th of May, 1805.

Can you recollect any thing about the repayment of the specific sum of 10,000l. which, at your commencing paymaster, lord Melville acknowledged to you that he owed to the public? I do not.—What sums did you annually receive, as my lord Melville's private agent, from other sources, saving those of his salary as treasurer of the navy? I do not recollect any regular annual payments made to me upon his lordship's account, although I have received considerable sums, and in many instances.—Can you form any opinion of the average? I cannot.—Did you receive, as far as you are informed, all lord Melville's private income in the capacity of his private agent? I believe I received all his income arising in this country, but I cannot speak with certainty.—Did you receive for him his salary as treasurer of the navy? I did.—The whole of it? As far as I recollect, I did.—Have you brought the date of the releases? I have.—What are they? They were signed by lord Melville upon the 18th of February 1803, and by myself upon the 23d of that month.—You having stated yourself to be still private agent to lord Melville, what circumstance then led to the execution of mutual releases between you and lord Melville? I know no circumstance, excepting that of his lordship having left this country, and, as I thought, without any intention of returning; and I conceived that it would be a satisfaction to lord Melville as well as myself that our heirs in the case of the death of either of us, should have as little trouble as possible in arranging the several accounts which had existed so long between us.—Were the books of account destroyed before or after the execution of the releases? It was after that date.—Who preceded you as paymaster? Mr. Douglas.—Is he dead? He is.—When did he die? In December 1785.—Have you any means of knowing how long lord Melville had had in his possession the sum of 10,000l. which lord Melville acknowledged to have had in his possession at the time you became paymaster? I have not.—How did lord Melville describe to you that he had become possessed of the 10,000l. which he then described himself to owe to the navy pay office? I do not remember that his lordship explained himself to me upon that subject. Had you any means of knowing whether that had been applied to a public or a private purpose? I had not, further than his lordship having exppressed his apprehensions that it might ultimately be prejudicial to his interest.—In what manner? He did not enter further in explanation with me on the subject.—When you described this sum of 10,000l. to make part of a sum of 30,000l. which had been advanced to Mr. Tweedy for the use of lord Melville, did you mean that you had been informed by Mr. Tweedy of this sum being so applied; or was it from lord Melville only that you derived any knowledge of this sum of 10,000l.? It was from lord Melville only that I had any information upon the subject of this 10,000l.; and if I have conveyed, by my former evidence, the idea that this sum of money had been advanced to lord Melville through the means of Mr. Tweedy, I must beg to correct that statement.—Has that 10,000l. been repaid? That 10,000l. as well as every other sum for which lord Melville has been indebted to the public, as treasurer of the navy, and which has accrued since the year 1786, when I was appointed paymaster, has been repaid.

The further examination of Alexander Trotter, esq. taken 7th of May 1805.

Where were the releases executed between you and lord Melville? The release was signed by his lordship at his own house in Scotland, and by myself in London.—Did any conversation relative to the account books, or their destruction, take place between you and lord Melville previous to their being destroyed? The subject never came under consideration between his lordship and myself, to the best of my recollection.—Has any subsequent conversation taken place on that subject? None, except of my having informed his lordship of the fact, and the regret which we have both felt on the circumstance.—Has any communication by letter, before, or since, taken place upon that subject? None whatever.—Can you give to the committee any more precise explanation of the conversation which you related yesterday to have taken place between you and lord Melville, at the time he acknowledged his debt of 10,000l. to the public, when you commenced paymaster, or can you now recollect with more precision what the words were used by lord Melville? I am sorry, from the distance of time when that conversation took place, that I have it not in my power to give any further explanation upon that subject.—Please to repeat his words, as near as you can recollect, that you before mentioned? His lordship expressed his apprehensions that the circumstance alluded to might ultimately prove prejudicial to him, and which I concluded to be meant in a pecuniary light.—What circumstance? The circumstance of the balance put under my charge being about 10,000l. less than the balance for which he was accountable to the public.—Do you know whether lord Melville has attested and returned to the proper officer, the general statement of his accounts transmitted to him to attest, but which, as appears in the 134th page of the tenth report, had not then been returned to the accountant, which prevented the account from being delivered into the auditor's office? His lordship has attested and returned the account, and it was detained at the time which the accountant mentions, from the statement which had been sent to his lordship for his attestation having been found incomplete.—Are the drafts drawn upon the bank from the navy pay-office, when paid, returned to the office at stated periods? They are always returned when the book is balanced, which has been generally, but not invariably, once a month.—When returned, are they preserved? They have not been preserved, as they are considered to be of no use when the balance is agreed.—During the 14 years you were paymaster, did you receive in all, upon lord Melville's private account, to the amount of 20,000l.? I certainly have.—What were the sources of income in England, of which you described yourself yesterday to be in the receipt on account of lord Melville? I have, I believe, uniformly received his salary as treasurer of the navy; but I do not recollect that any other receipts which have come into my hands of his lordship's income were derived from any public situation, but have been confined to sums which I may have received in the management of his private affairs.—What was the largest sum you ever had in your hands of the private account of lord Melville at one time? That appears perfectly impossible for me to ascertain, as his private transactions passed through an account current in which his lordship was generally indebted to me; but at other times the balance was in favour of his lordship, when I neither charged interest upon any balance due by his lordship, nor did I charge myself with any interest at times when the balance may have been in his lordship's favour.—Do you recollect the largest balance in the account current that ever appeared in favour of lord Melville? In an account comprehending so long a period, it was very difficult for me to give an accurate answer to that question; but it certainly has at some time been as large as between 2000l. or 3000l. in lord Melville's favour.—Do you recollect the largest balance in the account current that ever appeared in your favour, with the same degree of accuracy? I do not recollect with the same degree of accuracy, but I have upon a former occasion declared it had never exceeded from 10 to 20,000l.—Do you now allude to the sums mentioned in your evidence before the commissioners of naval enquiry, to have been advanced by you occasionally to lord Melville, to the sums mentioned by you in your evidence before this committee to have been advanced to lord Melville through the hands of Mr. Tweedy, Messrs. Drummond, and others, or to any other sums? I allude to the sums which I had occasionally advanced to lord Melville, as stated in the tenth report; but some of those occasional advances may have been made through the hands of Mr. Tweedy, Messrs. Drummond, or others.—Are the committee still to understand that you mean the advances of from 10 to 20,000l. as mentioned in the tenth report, to be distinct and different from the advances of 23,000l. made by you in the whole, as stated by you in evidence before this committee? They are still to understand so.—Did these different advances all pass through your account current with lord Melville? They did not.—Distinguish which did and which did not? I cannot do it from memory.—Have you any documents to refer to? I have already stated that I have none, and my regret for that circumstance.—Why were some of the advances placed in the account, and others not? I only placed the sums in the account current of which I knew of the appropriation; of the appropriation of the other sums I was ignorant.—Do you mean by appropriation, that you had the payment of such sums on behalf of lord Melville? With regard to the account current, I do.—You have stated to the committee, in a former part of your evidence, that you did receive interest on some advances made to lord Melville, on others none; you have to-day stated, that in the account current you had neither charged interest to lord

Melville, when the balance in that account appeared in your favour, nor paid it when it appeared in favour of his lordship; on what advances then did you charge interest? I alluded to a sum of money which his lordship directed me to borrow, and for which, his lordship paid a regular interest of 5l. per cent.

The further examination of Alexander Trotter, esq. taken the 9th of May 1805.

Were you the lender of the money borrowed for lord Melville, and for which he paid an interest? I was.—What was the amount? My recollection does not enable me to state this with accuracy; but I believe, to the best of my knowledge, that it was a sum not exceeding from 20 to 23,000l.—Is that sum repaid? It is.—How long since? Four or five years.—Was you agent for the whole of lord Melville's income arising from private sources in England? As far as I know I was so.—Were you in the receipt of the whole or any part of lord Melville's income, arising from private sources in Scotland? His lordship has made me frequent remittances from Scotland; but I do not know from what sources they arose.—You were not then regularly in the receipt of lord Melville's income arising from private sources in Scotland? I was not.—Do you know of any instance between August 1796, and January 1798, of any navy bill or victualling bill becoming due and presented for payment, not having been paid when presented, owing to the want of effects for the payment of such navy and victualling bill? That certainly is not within my knowledge.—Must you have known it from your situation in the navy pay-office, if such an event had actually happened? I think I must unquestionably have known it.—During that period, in a former part of your evidence, you have stated that you were in Scotland; had such a circumstance happened during your absence in Scotland, would it have been communicated to you officially, either by Mr. Wilson or Mr. Swaffield, cashier of the victualling bills? Undoubtedly a circumstance so singular would have been communicated to me by one or other of those gentlemen, especially as I do not believe or recollect that any such circumstance had occurred during the whole time I acted as paymaster of the navy.—What is the longest period at any one time of your absence from London, during the time that you was paymaster, during which period Mr. Wilson was drawing money from the bank with blank checks signed by you? I was absent from the pay-office, I believe, between three and four months in the year 1797, upon the occasion of my marriage in Scotland; but I have very seldom been absent from the office for any period of time nearly approaching to this.—[Mr. Trotter produced release between him and lord Melville—Release read.]

The further examination of Alexander Trotter, esq. taken the 10th of May 1805.

Who drew the release between you and lord Melville? Mr. Spottiswoode, of Sackville-street, my solicitor.—Is he dead? Yes.—Who settled it? I do not know if any one.—Who gave the instructions for it? It proceeded from an advice of Mr. Spottiswoode himself, who brought me the deed ready prepared, without any particular instructions from any one.—Was any particular instruction given, or did any order or conversation take place upon the particular part of the deed which relates to the giving up or destruction of vouchers or other documents? None that I remember, excepting Mr. Spottiswoode's general observation, that it would be no longer necessary to preserve any vouchers relating to accounts between lord Melville and myself.

The further examination of Alexander Trotter, esq. taken the 16th of May 1805.

You have stated, in your evidence before the commissioners of naval enquiry, that upon the death of Mr. Adam Jellicoe you took possession of some of his private papers; videlicet, all those which you thought necessary, as tending to secure his public balance; have any of those papers or books been destroyed by you, or by your direction, or to your knowledge? They have not.—Can you now, upon recollection, state whether you ever were in possession of, or ever had a view of Jellicoe's private ledger? I never was in possession of it; I think I have seen it, but never to look into it with attention.—Where did you see it? I think at the pay-office.—In whose hands, in whose possession, or whose custody was it when you saw it? I do not know in whose custody it was, but I think it was in the hands of the accomptant, Mr. Black.—When did you see it? I have no recollection whatever.—About what time as near as you can recollect? I do not recollect having seen it much later than the period when Mr. Jellicoe died.—It is stated by Mr. Samuel Jellicoe, in his evidence before the commissioners of naval enquiry, that it was consented to by you that he should pay a debt of 4,000l. due by him to the estate of his father, by instalments of 200l. a year, and that he had paid to you the sum of 2,050l. up to the 31st of March 1800; and it appears that lord Melville was acquitted of the deficiency of Mr. Adam Jellicoe by a writ of privy seal, dated the 29th of

May 1800; have you received any further instalment upon the said debt, or did you communicate to the solicitor of the treasury, to the secretary of the treasury, or in any other way, to the board of treasury, your consent to the payment of the said debt of 4,000l. by instalments, and did you furnish them with a statement of the instalments paid, and balances due up to the period of the sealing of such writ? My consent was probably obtained to the payment of this debt by the instalments mentioned by Mr. Jellicoe: but I have lately seen Mr. Jellicoe, who recalled to my recollection that the agreement to reduce that debt, by the annual payments of 200l. was made between the solicitor of the treasury and him. I have stated to the commissioners of naval enquiry that I had no authority to call for money due to the estate of the late Mr. Jellicoe; I however did not fail to use my best endeavours to collect any money which I thought I could obtain in reduction of his debt, by applying to those from whom I knew it was due; in this light I appeared to have applied to Mr. S. Jellicoe, and to have received the several instalments mentioned in his evidence, which I have brought to account, with all the other sums which I have received upon the account of the late Mr. Jellicoe, and they are included in the account published in the tenth report, intituled, "An Account in Trust for the Estate of the late Mr. Adam Jellicoe." I applied to Mr. S. Jellicoe some time between March and June 1800 for a payment as far as it was then due, or up till the last term of payment, which he sent to me, and it is accordingly brought to account in my trust account: but I have never made any application since that time for any further payment, nor have I made any communication or statement of the account to the board of treasury, or to the solicitor, as the agreement was not made by me, nor had I any power to compel the fulfilment of it.—Was lord Melville privy to, or had you any instructions from him, or any communication with him, relative to the mode in which Mr. S. Jellicoe was to liquidate his debt of 4,000l.? I do not recollect having any instructions from his lordship, or communication with him upon this subject, although it is very possible that I may have informed him of what I know respecting this business.—Do you recollect having seen any account of the securities tendered to lord Melville by Mr. Adam Jellicoe, in his letter of the 10th of July, 1788? I saw them at the time, but I have entirely forgot what they consisted of.—There appears a note at the foot of Mr. Jellicoe's letter of the 10th of July, 1788, expressing that sundry bonds and assignments of Mr. Cort's patent were the securities offered, which were all included in the property found under the extent; who made such note? I have no recollection who made that note, although it is not impossible that it may have been myself.—Why were the securities, tendered by Mr. Adam Jellicoe in his letter of the 10th of July 1798, not accepted? If they were not accepted, I do not recollect the reason for which they were rejected.—Can you inform the committee where the first deficiency of Mr. Jellicoe, in his balance to the treasurer of the navy, can be discovered? I cannot.—Will not examination of the books of the office of the first entrance of Mr. Jellicoe into the situation which he held at his death, furnish such information? Certainly not.—Why? Because a balance was necessarily put into his hands to carry on the duties of his office, which was never required to be altogether liquidated, until his embarrassments were suspected to exist.—When did you first suspect such embarrassment? I should think about a year or two before his death, but I do not remember the circumstance with precision.—Did he disclose to you such embarrassment, or did you communicate to him your suspicions that they existed? I communicated my apprehension to him upon the subject.—Did he confess them? Most readily; as he was a man of the most upright character.—Did you immediately communicate with lord Melville on the subject? I think his lordship was at that time in Scotland, but I did not fail to communicate any information which I was enabled to give upon that subject without delay.—Do you recollect lord Melville's answer, or any instructions he gave you on the subject in consequence of such communication? I do not recollect any particulars of the instructions which I probably received upon that subject; but we were both decidedly of opinion, that it would prove most to the advantage of the public that no severe steps should immediately be taken in order to secure this debt, as we had the greatest confidence in his assurances, that the business in which he was engaged would soon enable him to extricate himself from his difficulties. —Had you any conversation or other communication with Mr. Cort, upon the subject? I had many conversations with Mr. Cort upon the subject, and lord Melville's son, Mr. Dundas, took a great deal of trouble after Mr. Jellicoe's death, in endeavouring to make Mr. Cort's patent of value, so as to be brought in liquidation of Mr. Jellicoe's debt.—Who drew the memorial presented to the lords of the treasury, on which the writ of privy seal was founded? I do not know.—Who furnished the instructions for that draft? I probably furnished information myself, but did not furnish instructions.—To whom did you give such information? To lord Melville, as far as I recollect.—Did you go into a minute enquiry of all Mr. Jellicoe's circumstances at the time his deficiency was first noticed, and did you render account of such enquiry to lord Melville? I believe I did.—Is the minute of any such enquiry in existence? I had only verbal communications with Mr. Jellicoe, and do not recollect that I made any minute of them, unless it may have been in my letters to his lordship.—Can you state the reasons why the freehold property at Gosport was not sold, and the proceeds applied in discharge of Mr. Jellicoe's balance? I am not enabled to state the reason, that business not having come within my province.—Would the sale of this estate, which appears valued at 1000l. stated in the inquisition taken before the sheriff of Hampshire, have been more advantageous to the public than the rent of 100l. per annum, paid by Mr. Samuel Jellicoe to the crown for the same? I am altogether unacquainted with the value of this property, and consequently unable to form any judgment upon it.—Has the right in the crown to cause the sale of this property to be made at any time it may be thought expedient to do so, been affected or diminished by the above arrangement?—This appears to be a matter of law, of which I am altogether unacquainted.—Is not the said rent of 100l. per annum distinct from the annual instalment of 200l. agreed to be paid by Mr. Samuel Jellicoe in discharge of the 4,000l. which appears to have been a debt due by him to his late father's estate, such sum having been advanced to him by his said father when he first went into business? I really do not know, and am much concerned in appearing to be so ignorant upon this business; but hope the committee will excuse me in referring to an answer which I have made to a former question, by which I have endeavoured to explain, that I never had any management of this business, excepting in receiving such sums as were paid into my hands, which I brought regularly to account.—Do you conceive that such advance was made by Mr. Jellicoe to his son as a loan, or that it was intended by him as a part of the provision for him as his son? I believe from a knowledge of the affectionate care which Mr. Jellicoe took of his family, that this sum was meant as a provision for his son upon his going into business.—Were the vouchers at the time of the release in your possession, or in Scotland, or in England? Mostly in this country.—Were lord Melville's there or in England? I should rather suppose they were in Scotland.

The further Examination of Alexander Trotter, esq. taken the 22d of May, 1805.

In point of fact, did you take upon yourself to collect whatever you could of Mr. Jellicoe's property and debts? I was as active in doing so as much as I could, or thought myself warranted in doing, for a considerable time after Mr. Jellicoe's death.—Did Mr. White know that you were taking those active steps for that purpose? I had many meetings and conversations with Mr. White, and we certainly both exerted ourselves in the business as far as we could be serviceable in it.—Do you know whether Mr. White, from what passed between you, relied upon the information he received from you relative to the property? As far as my information went, I make no doubt he relied upon it; but the other business of the pay office engaged so much of my attention, that it was impossible for me to give that full information upon the business which I could wish to have done.—Why did you permit so large an arrear of the rent and instalments from Jellicoe to accrue? I had no reason whatever for doing so further than as I have already explained, my not considering myself authorised to compel any payments whatever upon that account.—Do you know whether there are any debts due to Adam Jellicoe now recoverable, exclusive of Samuel Jellicoe's? I do not recollect any at this moment that I consider to be recoverable.—Did lord Melville give you any instructions for inserting the clause to destroy vouchers in the release before it was drawn up? He did not.—Do you know of his having given such instructions to any other person? I do not.—At whose desire was that clause introduced? I do not know; I can only repeat, that Mr. Spottiswoode brought me the release to sign, without any particular instructions from me.—Look at the tenth report; in the account contained in that page your account is debited for several victualling and navy bills, at the foot of which the discount is subtracted, was that the regular discount at that time on victualling and navy bills? I am altogether ignorant of the circumstance; but I have no reason to doubt the accuracy of my banker's accounts.—Do you know what period those victualling and navy bills had to run? I really am altogether ignorant of the circumstance.—Have you any reason whatever to doubt that the discount upon those navy and victualling bills was other than the regular marketable discount at the time? I have certainly no reason whatever to doubt such fact.

The further Examination of Alexander Trotter, esq. taken the 23d of May, 1805.

You have stated, that at various times you advanced various sums of money on account of lord Melville to Mr. Tweedy, Messrs. Drummond, Mr. Alves the private secretary and other members of lord Melville's family; do you mean to state, that all the persons above enumerated received payments out of the sum of 22 or 23,000l. advanced by you at various times to lord Melville, for which no interest was paid; or do you mean to describe them as the parties to whom payments had generally been made by you on lord Melville's account, out of other as well as the fund above mentioned? I mean it of the latter description.—Did you ever make any payment out of the above fund of 22 or 23,000l. to any member of lord Melville's family? I do not remember that I ever did.—Were the funds received by you, on lord Melville's private account, paid into the mixed fund at Messrs. Coutts, which you have stated to consist partly of public and partly of private money? They were.—Can you precisely state the persons to whom issues out of the above fund of 22 or 23,000l. were made? I have not means of precisely stating it.

The further Examination of Alexander Trotter, esq. taken the 27th of May, 1805.

You have stated, that you were in the habit of applying sums of money, on lord Melville's account, under general instructions previously given to you for the management of his private affairs; do you recollect whether you applied, under such general instructions, any part of the 22 or 23,000l. on which you have stated no interest was charged? I do not recollect having applied any part of that money under general instructions, as these were the sums which lord Melville never gave me any information upon.—Was Mr. Tweedy employed in the management of issues on lord Melville's account, out of any other fund than the abovementioned fund of 22 or 23,000l.? I was in the habit of employing Mr. Tweedy in almost all my money transactions, with lord Melville as well as with others.—Was any part of that sum of 22 or 23,000l. paid to Mr. Tweedy, without an antecedent order of lord Melville? I do not recollect any.—In the account of receipts and payments between the 1st and 31st of January, 1798, there appears an entry of a transfer to the victualling branch, to repay the like sum transferred from thence to "Wages" in March 1797; have you any recollection of the circumstances of that transfer and repayment? None whatever.—Have you any recollection of any transfer and repayment of the like nature? Not of any of the like nature, but I have frequently from the navy branch to the pay branch, and *vice versa.*

The Examination of Charles Tweedy, esq. taken the 4th of May, 1805.

Are you the eldest son of your late father? Yes.—Are you executor? No.—Who did administer? No one; he died without a will.—When did he die? On the 14th of January, 1803.—Did you come into possession of your father's books and papers? I did.—Did your father act as private agent to lord Melville? Not that I know of.—Amongst the books of your father's, were there any accounts between lord Melville and your father? Not that I know of.—Are all the books of accounts belonging to your late father which came into your possession on his death, now in existence? Yes.—Can you undertake to say, that in those books there may not be accounts of money transactions between the late Mr. Tweedy and lord Melville? I think no other than in an official way; by official, I mean, discharging strictly that duty he held under lord Melville.—What office do you hold? I am called ledger writer in the victualling department of the navy pay office.—Have you acted as private agent to lord Melville in any capacity? Never.

The further Examination of Charles Tweedy, esq. taken the 7th of May, 1805.

Are those books produced, all the books of accounts or papers that came into your possession at your father's death? Yes.—Do you know of the destruction of any books or papers of your father's previous to his death? I do not.—Have you any knowledge of any sum or sums of money received by your father from Mr. Trotter, for the use of lord Melville? I have not.

The Examination of Thomas Wilſon, esq. taken the 4th of May, 1805.

Was you in the habit of tranſacting buſineſs for Mr. Trotter during his absence? Frequently.—Under what authority? I had no written authority, but I have understood, with the approbation of the treasurer.—Did you draw for the public money issued for the service of the navy during such absences? I did draw for the public money, but not under my own signature.—In what way then? By blank checks, signed by the paymaster.—Had you unlimited powers as to the extent to which you were to draw? I had unlimited powers.—Do you recollect having advanced any sum or sums of the public money, during

Mr. Trotter's absence, to lord Melville, or any other person on his account, for purposes not naval? I do recollect but one instance, which took place about the latter end of the year 1796, when, by Lord Melville's directions, I drew out the sum of 40,000l. the application of which was not revealed to me.—Do you recollect the precise date? I do not recollect the precise date; some time in August, September, or October.—Was no entry made of such payment? No part of the transaction was committed to paper by me.—Did you inform Mr. Trotter what had taken place? I did, by letter to Mr. Trotter, upon the same day on which it took place; my reason for being so positive for stating that I wrote to Mr. Trotter on the same day, being in the constant habit of informing him daily of the transactions of the office.—Did you take copies of those letters? I never did.—Were entries made in any books of all other payments of public money made by you? There were.—How then did you, or could you state your balances, with this omission of 40,000l.? The 40,000l. having been drawn from the account of the bank, it could not appear in the public books as a transaction for naval services, but it always "appeared in the monthly accounts of the office as a part of the stated balance" due to the public.—Was the whole sum drawn for in one or more drafts? As far as my recollection goes, it was paid in one, but whether drawn or not in one or more, I do not remember.—Have you any recollection of the branch of service to which the draft or drafts were made applicable, in order to their forming a sufficient voucher for the payment of the money at the bank? I apprehend the pay branch.—Into whose hands was the 40,000l. paid by you? I waited on my lord Melville, with whom Mr. Long was, and paid it either to one or other of those gentlemen in bank notes at lord Melville's office in Parliament-street.—Did you take any receipt or acquittance from either of them? None.—Supposing the death of the parties concerned in this transaction had taken place, was there any document of any sort any where, by which the public could have been made acquainted with the disposition of this 40,000l. professedly drawn for the pay branch of the navy, but paid into the hands of lord Melville or Mr. Long, for purposes not naval? None, that I know of.—Has the money been all returned? It has been all returned; because, in consequence of the conclusion of lord Melville's treasurership, the exact balance due to the public was transferred to the account of his successor.—Do you know at what period or periods the whole, or any part of the sum, was returned? I do not; in all probability the several repayments were placed to the credit of Mr. Trotter's account with Messrs. Coutts; and I beg leave to add, that some also may have been paid to the treasurer's account at the bank. but I have no documents or books by which I can identify such periods of repayments; but I know distinctly of one sum of 4,000l. paid to me by Mr. Long, as forming a part of the repayment of the sum of 40,000l.—Where did you place that 4,000l.? It appears that I placed it to the credit of Mr. Trotter's account, upon the day that I received it, with Messrs. Coutts.—Which of his accounts? His general account.—Did you give the clerks of Messrs. Coutts directions to place it to this or that account of Mr. Trotter, or merely to his account generally, without specifying which? I believe I did not give them any particular directions on the subject.—Are the committee to understand that you have no knowledge whatever of the application of public money issued for naval services to purposes not naval, besides what you have mentioned? I apprehend there have.—Have you any knowledge of what such application has been? I apprehend to Mr. Trotter's private use.—To the private use of any body else? Not to the best of my knowledge.—Do you know to what extent sums have been drawn, issued for the service of the navy, and applied to purposes not naval? I am perfectly incompetent to answer that question, without having had access to Mr. Trotter's accounts, and which is impossible for me to ascertain from the printed copy of his account with Messrs. Coutts.—Have you any general knowledge of the extent? The only documents upon which I can give that opinion, is the printed account of balances of the different cashiers of the pay-office, as presented to the commissioners of naval enquiry, which states the deficiency of the treasurer's balance at the bank.—Are the committee to understand, that you have no knowledge whatever of any sum or sums of money issued for naval services, and diverted to purposes not naval by any person or persons, or by the authority of any person or persons, or for the use of any person or persons except Mr. Trotter, saving always the sum of 40,000l. above alluded to? None, to the best of my knowledge.

The further examination of Thomas Wilson, esq. taken the 7th of May, 1805.

[The witness wishes to amend his evidence on the 4th of May—instead of "appeared in the monthly accounts of the office, as part of the stated balance," I should have stated, "formed a part of the stated balances:" and I think it my duty to state to the committee, in further reply to the last question on the 4th of May—that I should have made the same acknowledgment which I did to the commissioners of naval enquiry—that money for the payment of exchequer fees was placed in my hands, from which I had derived an advantage.]

The further examination of Thomas Wilson, esq. taken the 11th of May 1805.

From a view of the paper put into your hands, purporting to be an extract from the bank books, of the drafts paid to the order of Alexander Trotter, esq. as paymaster of the navy pay-office, can you inform the committee by which of the draft or drafts therein specified you obtained the money paid into the hands of Mr. Long, or lord Melville; viz. 40,000l. as stated by you before this committee? I really cannot.—When money was drawn for by the paymaster during the last treasurership of lord Melville, to any particular head of service, was such money drawn from an aggregate fund, for which the treasurer of the navy was credited at the bank, or were the drafts drawn for monies applicable to distinct heads of service, paid out of distinct accounts raised for such head of service, in the bank books? The balance of money to the credit of the treasurer of the navy, at the bank, was not distinguished by different heads of service, but formed an aggregate, upon which the drafts were distinguished by the heads of service; but the accounts of the bank were not so distinguished.—Were certificates, during that treasurership, regularly sent to the different boards of the sums at the bank, applicable to the service of each board, by the treasurer of the navy or his agent, in order that they might be informed of the balances for the amount of which they might make assignments? The boards were regularly informed of all issues of money from the exchequer by certificates or receipts, dated upon the day of such issues, and the application of such monies.—You have before stated, that all drafts drawn on account of every branch of service, although such drafts distinguished each branch for which they were so drawn, were paid out of an aggregate fund at the bank, how then could information be given to the different boards of the specific sum allotted for the service of each board at the bank.—The issue of money from the exchequer is directed by the treasury, and in their letter the services for which the money is to be applied is distinctly stated, and the certificate or receipt is in some respects a copy or transcript of that letter.—In point of fact, in drawing for monies for any branch of service, was it matter of consideration with the paymaster, whether the balance for such branch of service at the bank was specifically adequate to the demand of that branch, or whether the general balance at the bank, to the credit of the treasurer of the navy, was adequate to the demands, or probable immediate demands, of all the branches of service? I have not the means of ascertaining whether the particular head of service was adequate for the amount of such drafts of the paymaster; and with regard to the latter part of the question, I believe that the aggregate fund was always sufficient to answer the drafts upon the various heads of service for which they were made.—When the monies had been issued from the exchequer, as before stated, and the certificates or receipts had been sent in consequence of such issues to the different boards, were the drafts given on account of the service of each board checked, according to the balance stated in such certificate to be applicable to the service of such board? There are three great heads of service, namely, the navy, the pay, and victualling; but these branch out into various other heads, the account of which is kept by each board, by which they regulate their aſſignments upon the treasurer; and when such minor heads are nearly exhausted, the boards then direct the treasurer to make further application upon these heads.—Supposing an issue to have been made, from the exchequer to the credit of the treasurer of the navy at the bank, of the sum of 100,000l. for each great head of service, and that the demand made for the first head amounted to 150,000l. and the demands for the two others to 50,000l. each, would the aſſignments of the first have been stopped on account of the excess of the demand above the issue for that particular head, or would such assignments have been allowed on account of the aggregate balance exceeding the aggregate demand? I presume that the different boards have never made assignments to a greater extent than the actual amount of money received from the exchequer for each particular minor head of service; but if the board's application had been short issued, I do suppose the service may have been delayed until the whole application was completed. I beg leave to add, that I am not competent to answer this question to the satisfaction of the hon. committee; and that it more particularly rests with the different boards than any person in the navy pay-office to answer it fully.—Is it usual for the treasury to make partial issues upon memorials from the treasurer upon the direction of the different boards for such issues? Very frequently.—Who gives directions to the treasurer of the navy to apply for money by memorial on the pay branch? The navy board.—How were such memorials, in point of fact, conveyed during the last treasurership of lord Melville? By letters addressed to the treasurer of the navy from the navy board, regularly signed by three commissioners of the navy board; upon which letter the memorial to the treasury was formed, together with a copy of the letter inclosed.—How are the payments made in the pay branch? To parties themselves in money, such as seamen, and to the agents of officers; to whom, if their demands are large, the deputy paymaster may sometimes give his drafts. There are other kinds of payments, such as half-pay, which the officers of the navy have a privilege to receive by remittance bills, drawn upon collectors of the revenue nearest their own homes; those bills, I understand, are transmitted to their boards, as forming a part of their collections, and the boards afterwards bring them to the pay-office for payment.—Is the pay and half-pay of the navy regularly paid, or at what distance of time from the periods from which it is due? I think it has generally been three months after it has become due; but it varies; and at this time the half-pay of the navy, due at Christmas last, only commenced payment on Monday last.—During the last treasurership of lord Melville, what was the longest arrear of the half-pay of the navy? I cannot answer that question precisely, otherwise than generally, as I have answered the former question.—Can any information on the subject be obtained by any books or documents? Certainly.—Were the bills drawn by the collectors of the revenue, in consequence of payments made by them to half-pay officers in their respective neighbourhoods, when accepted, in all instances regularly honoured? The bills are not drawn by the collectors of the revenue, but upon application of the half-pay officer to the treasurer of the navy, he causes to be made out two bills, being duplicates of each other, for the amount of the half-pay due; one of which is transmitted to the collector, on whom he desires it may be drawn, and the other to himself.—Were such bills as you have now described, in all instances, regularly paid, and without any delay? I do not know an instance to the contrary.—Do such bills ever come into the hands of the public, or are they always transacted between the revenue boards and the navy pay-office? I believe invariably transacted between the boards.—Upon what direction, from any board, was the memorial for the issue of the 40,000l. paid by you into the hands of lord Melville, or Mr. Long, sent to the exchequer? It is impossible for me to state upon any memorial by which that sum may have been received from the exchequer, but was drawn from the aggregate balance of the treasurer, and the transaction never appeared in any official book whatever.—What account is there kept of money issued from the bank to the paymaster or treasurer, in the particular office, of the head of service for which such money is issued? I know of no such book, but I apprehend Mr. Trotter may have kept such account in books of his own.—Is there then not public book of account or document by which it can be ascertained, whether money issued from the bank for any particular head of service, has or has not been applied to that head of service? Where monies have been issued to the cashiers, such issues are kept by them for the purpose of making out their fortnights accounts and which accounts are kept in the books of the office.—Is the treasurer of the navy the officer to judge of the adequacy of balances in the bank for the several branches of service, or the commissioners of the respective boards? The commissioners of the respective boards.—Is the treasurer of the navy ministerial in executing the orders of the respective boards, and notifying to the several boards the issues made by the exchequer upon his memorials, or does he act in any degree upon his own discretion? I certainly consider that the treasurer of the navy acts in this respect ministerially, and not upon his own discretion.—Does the treasurer of the navy consider himself at liberty to subtract, and apply the funds so subtracted from the balance of any one board at the bank, and to apply it to the service of another? Certainly he cannot.—In case the treasurer of the navy did subtract from such balances for any purpose whatever, and the respective boards assigned to the full extent of their balances at the bank, and the parties in possession of such assignments did actually present such assignments for payment, what would then happen? I should consider it as a breach of duty, and what the treasurer of the navy had no power to do.—Has this case ever happened? I have never known an instance of it?—How came the 40,000l. advanced to Mr. Boyd not to be productive of delay or embarrassment to the public service; was it from any knowledge the respective boards had of such advance, and their forbearing to assign in consequence thereof, or from the assignments actually made by them not being immediately presented by the parties receiving the same for payment? I am firmly convinced that the several boards were unacquainted with that transaction; and I believe it frequently happens that many bills, assigned for payment, are in the hands of individuals who did not present them for payment many days after the date of assignment of such bills.—Is there not a floating balance of this nature at all times at the bank, to the credit of the treasurer of the navy? There must necessarily be so.—What means had each board of judging of the balance in the treasurer's hands at the bank, at their disposal at any particular moment? By the accounts rendered every fortnight, they are fully informed of the amount of the receipts and payments, from which they can judge of the balance in the treasurer's hands belonging to their department.—By whom is such fortnightly statement laid before them? The accounts are made out in the navy and victualling branches, and transmitted to the boards, with the signature of the paymaster.—Has the treasurer of the navy any controul in the making out of such account? None whatever.—Cannot the respective boards at once ascertain the precise balance subject to their further assignment, by comparing their own assignments already made with the issues notified to have been made by the exchequer for the service of their particular department, a copy of which notification you stated to be regularly transmitted to them at the time of such issue? I unquestionably believe they can.—May not victualling bills, accepted by agents of the victualling office from abroad, be presented for payment when there are no effects in the hands of the treasurer of the navy for paying the same, in consequence of the victualling board not having estimated the payment of the same in any previous memorial to the treasury, of such board not having had notice that such bills were likely to be presented? It is not likely that any victualling bill could be presented to the treasurer of the navy for payment, unless duly assigned for that purpose by the board.—Might it not have been presented to the board, and their assignment refused, until a credit upon their memorial to the treasury was established at the bank for paying the same? I certainly believe that such circumstances may have occurred in the victualling-office.—Do you recollect any instance of payment delayed, or refused, upon any victualling bill actually assigned by the commissioners? I do not recollect of such a circumstance ever having happened.—Can you take upon you to say that no delay or embarrassment, or inconvenience of any kind, did arise in any department of the navy pay office in consequence of the irregular advance of 40,000l. in the year 1796? I do not recollect that any complaint or inconvenience did arise in consequence thereof.—(Question repeated.) I certainly do not recollect of any inconvenience having arisen from it.—(Question again repeated.) I really believe no inconvenience could arise from it.—You have stated a variety of regulations for the conduct of the navy pay office, and the boards connected therewith, and a strict compliance with all those regulations during the last treasureship of lord Melville; but did it not in point of fact happen, during that treasureship, that large sums were drawn from the bank in defiance of all or some of those regulations, and lodged in the hands of a private banker, previous to their application to the services for which they had been issued? I am aware that Mr. Trotter did act in defiance of the act of parliament, in placing public monies in the hands of his private banker; but I do not see that the stated balances could be affected, whether the whole of the money remained in the bank, or the strong chest of the office, or elsewhere.—(Question repeated.) The conduct of the treasurer with regard to the making up of his accounts, agreeable to the forms of the different boards, were strictly complied with, and it was this that I apprehended to be the meaning of the question.—Did it not in point of fact happen, that money having been issued upon memorials sent by the then treasurer of the navy to the exchequer, under the directions of the different boards connected with the navy pay office, for the issue of money for the services described, and money having been so issued for such services, and certificate having been sent by the treasurer to the boards, in order for them to make assignments for such sums so issued, that before the bills mentioned in such assignments were presented for payment, the paymaster of the navy did draw such monies, or parts of them, from the bank, and place them in the hands of his private banker, or elsewhere? I certainly believe he did.—However irregular and illegal such transfer of naval monies from the bank to his private bankers might be, did it in point of fact ever delay the issue of such money to the public service, or affect the state of the balances, as between the respective boards and the treasurer of the navy? I believe it never did.—When you state that no inconvenience could arise to the navy from the advance of 40,000l. to Mr. Boyd, do you mean to say, that none was likely to arise according to the usual course of business, or that none could possibly arise, if all the outstanding assignments from the respective boards had been at once presented for payment, however improbable this case may be? I believe that no inconvenience would have arisen, supposing this improbable case to have happened.—What is your reason for this belief? I understood that the question applied only to the assignments already made having been brought in to their full extent; but if the different boards had assigned to the full extent of their respective balances, the 40,000l. would in that case have appeared as a deficiency.—Has such case ever happened? Never, in my recollection.—You have stated, that you believe no inconvenience happened to the public service in any department, from the irregular advance of 40,000l. do you believe that an irregular advance of a much larger amount might likewise have been made, without producing any inconvenience to the public service? A larger advance, irregularly made, might have had the effect of producing an inconvenience if the board's assignments had amounted to a great extent, and thereby the account of the treasurer might have been overdrawn.—Did the floating balance in the hands of the treasurer usually exceed 40,000l.? It certainly must have usually exceeded it, for on that account I stated, that no inconvenience had arisen, to my recollection, in consequence of that advance.—At the time when there was a question of making this advance of 40,000l. did the treasurer of the navy converse with you upon the most practicable mode of his furnishing that sum of money from the pay office? Not to the best of my recollection.—Do you know any thing of that transaction, further than receiving his orders to furnish him that sum by a draft upon the bank? I do not, nor did I ever know the application of it, until the tenth report of the commissioners of naval enquiry.

The further examination of Thomas Wilson, esq. taken the 20th of May 1805.

[Mr. Wilson wishes to amend his evidence on the 11th May—after "no power to do," to insert "I certainly now conceive, that if such improbable circumstance should have taken place, as the whole of the assignments being presented on one day, that the deficiency of the 40,000l. would then have appeared, and consequently that bills must have been refused payment.]

The further examination of Thomas Wilson, esq. taken 23d of May 1805.

Do you remember, with precision, out of what branch of service the issue of 40,000l. took place? As far as my recollection goes, I still think it the pay branch, but I cannot state it with precision.

The further examination of Thomas Wilson, esq. taken 24th of May 1805.

Do you recollect any instance to have occurred in the office of the treasurer of the navy, of a transfer made from one branch of service to another branch under different commissioners, except the instance on the 4th of March 1797, in which a transfer of 8,995l. 13s. 6d. appears to have been made from the victualling to the navy branch? It is the only instance which has ever come to my knowledge.—Would the office have felt itself authorized to make such transfer, without the specific directions to that effect, either of the board of treasury or the victualling board? Most certainly not.

The examination of the right hon. CHARLES LONG, *taken the 6th of May* 1805.

State to the committee in what instances you have any knowledge of monies issued for navy services having been applied to purposes not naval. I know only of one instance; it is that which is referred to in the tenth report, where Mr. Trotter says, he had received ceived from me a sum of money which he had before placed in the hands of lord Melville. If the committee will give me leave, I will state to them all the circumstances of the transaction to which this refers, as far as they are within my recollection at this distance of time. In the autumn 1796, I received a note from lord Melville, requesting I would call upon him early the next morning at his office in Parliament-street; in a conversation I there held with him, he noticed the great difficulty in which all commercial men found themselves at that particular period, the alarm and distrust which prevailed, and the difficulty which they found of raising money upon the best securities: he said that this embarrassment was particularly felt by the house of Messrs. Boyd and co. who were contractors for the loan; that the bank had refused to make their payments on the loan, as usual, or to discount their bills; and that, with ample securities in their hands, they were not enabled to raise money to pay the next instalment, which was then just becoming due; that under these circumstances he thought it a public object to support the house; that if the house failed, it would involve many others in its ruin, and give a great blow to commercial credit, already very much shaken. He said they required the sum of 40,000l. to enable them to make good their engagement to government; that he had found the means of advancing that sum, and which he could do without inconvenience, provided undoubted security was given for the repayment of that sum within a very short period; that with this view of the subject he would place the sum of 40,000l. in my hands, desiring I would deliver it to Mr. Boyd, upon his giving such security as he had described, and that Mr. Boyd would call upon me at the treasury the same day with such security. I do not affect to state this conversation with precise accuracy at this period, but, as well as I recollect, the above is the substance of it. Upon going to the treasury I found Mr. Boyd there, and delivered to him the sum of 40,000l. and received the security, amounting to something more than 40,000l. I put these securities into a paper, which I sealed up, and transmitted them immediately to lord Melville.—Did you know from what source lord Melville supplied the money? I certainly did not at the time; but I have not the least doubt that if I had known the source from whence it came, my conduct would have been precisely the same; I should have given credit to lord Melville, that he would not have diverted the public money for the shortest period from the service to which it was appropriated, to any other service, unless he could do so without inconvenience to that service, without risk, and under an extreme public exigency; and under that persuasion, I have no doubt I should have acted precisely as I did, had I known the source from whence it came.—What was the nature of the security given by Mr. Boyd? It consisted chiefly, if not entirely, of bills drawn upon and accepted by the East-India company; the greatest part certainly of this kind; if there was any other, it was government security.—Do you recollect to about what amount the securities were? As far as I recollect, to near 41,000l. —Were the repayments of this money made, or any part of them made, through your hands? The latter payments were made through my hands, amounting to above 11,000l. Lord Melville, I think, in the spring in 1797, transmitted to me two of the bills drawn upon and accepted by the East-India company, amounting to this sum, desiring that I would pay the sum of 11,000l. to Mr. Wilson, which was all that remained due of the 40,000l. and that I would pay the balance by which the security exceeded 40,000l. to Mr. Boyd; this I did, as the securities were paid.—By whom were the bills on the East India company drawn? I have no recollection.—Can you say whether they were drawn by Mr. Boyd himself, or of any of the firm of that house? They were certainly not drawn by any of the firm of that house.—Were they of the nature of such securities belonging to the East-India company, as are commonly in the market? I really do not know the nature of the securities of the East India company that are usually in the market.—Do you know who were the acceptors? No, I do not.—Can you state the precise date of the repayment of the balance of 11,000l.? 4,000l. in August 1797; 1,000l. I think, in October 1797; and 6,000l. early in January 1798.—Into whose hands were these sums paid? The first and second into the hands of Mr. Wilson, and the third into the hands of Mr. Trotter: as these sums were paid, lord Melville was made acquainted with it, and I think the receipts of the parties were transmitted to him.—From whom did you receive the money upon the securities as they became due? They were paid into Messrs. Drummonds, who are my bankers, and were received by them in the ordinary course of business; these were, of course, paid by the East-India company, upon whom they were drawn.—Do you know any thing of the repayment of that part of the sum of 40,000l. which was not repaid by you? I do not; I understood that it had been repaid a considerable time before the sum that passed through my hands, and I have a general recollection that most of the securities had but a very short time to run.—Do you know of any other transaction of the same description, or of any description, in which money issued for naval services may have been applied for purposes not naval? I certainly do not.—Do you recollect, in point of fact, what was the amount of loans raised for the year 1796? There was a loan made in November or December 1795, amounting to 18,000,000l. and there was another loan in the course of the year 1796, to the amount of 7,500,000l. Mr. Boyd was the contractor for both these loans.—From the then state of the market, in case Mr. Boyd had been prevented from fulfilling his contract, do you conceive the public would have had the means of obtaining a new loan upon terms equally advantageous? I should think certainly not; it was a period of very great and peculiar embarrassment; it will be recollected that there was a very general run upon commercial houses, which was followed by a great pressure on the bank, and which led, early in the succeeding year, to the restriction of cash payments at the bank.—Had the bank felt itself under the necessity, at that period, of narrowing materially its accommodation to government and to the public? To the best of my recollection it had; but that may be ascertained with much more precision than I can state it.—Do you recollect what our relations with the continent were at that moment, with respect to subsidies? I believe subsidies were in the course of remittance, but I cannot state precisely to what amount.—When was the first loan raised for the service of the emperor of Germany? I rather think in 1795.—Supposing the contracts for the loans at the house of Messrs. Boyd had been dissolved by their failure of making instalments in the then state of the market, would it have been easy to make another loan in lieu thereof? I should think it would have been extremely difficult; but I suppose it might have been done, though upon terms certainly very disadvantageous to the public.—Whether you explained to Mr. Boyd how the money was furnished which was transmitted to him by you? There was no necessity for any such explanation, as Mr. Boyd knew perfectly well that I had received it from lord Melville, and was sent by lord Melville to the treasury to receive it from me.—Did lord Melville explain to you why he wished to furnish this accommodation to Mr. Boyd through you, rather than directly from himself? He did not; but I conceive it was furnished through me, because he supposed that he was giving assistance to the public in a manner in which he thought the treasury particularly interested, and he explained to me, that he wished the transaction to be secret, as otherwise it might tend to injure the house of Messrs. Boyd.—Did you make any immediate communication to the chancellor of the exchequer? I certainly did not; I acted under the impression that the chancellor of the exchequer was acquainted with the transaction; it is probable I may have conversed with him upon it, but I have no distinct recollection of any such conversation, except long subsequent to the transaction. I recollect his remarking upon it, that he thought a great irregularity had been committed, but that he thought a great public mischief had been prevented by it.—Did you communicate with any other of the public servants on the subject? Certainly not.—Did you commit to writing the whole or any part of the transaction? I did not.—Was there any document, to your knowledge, in existence, by which the public could have been made acquainted with this transaction? When I transmitted this security to lord Melville, I wrote upon one of the covers in which the securities were inclosed, the purposes for which they had been deposited; namely, that they had been deposited for the purpose of the repayment of the sum of 40,000l. which had been advanced by lord Melville to the house of Messrs. Boyd.—Did that paper ever come again into your possession? No, never.—Do you know whether it is in existence; I do not; I wrote a similar memorandum respecting those securities, which were afterwards returned to me.—Is the memorandum last referred to in existence? I do not think it is.—Was any interest paid by Messrs. Boyd for the loan of this money during the time they held it? Not to my knowledge.—Whether in all other instances, where government have advanced to merchants temporary loans of money or exchequer bills, interest has not always been paid for such loans? I know of no instance at all similar to this; but in all public loans to merchants, interest, I believe, has always been paid.—Whether Mr. Boyd had ever made any application to the treasury for assistance, to enable him to make good his payments on the loan, prior to the time when you conversed with lord Melville on the subject? To the best of my recollection he never had.—Did he ever make any subsequent application? I believe not; I have no knowledge of any such application.—Was the second loan for the service of the year 1796 a public loan; or was it given to Messrs. Boyd without any bidding, in consequence of his having contracted for the former loan? I rather think it was a public loan by bidding.—Do you recollect the date of the contract for the second loan for 1796? I think it was in April 1796.—Were both loans made before this transaction? They certainly were.—Were the instalments of both loans in a course of payment at the time that this transaction took place? They were.

The further examination of the right hon. Charles Long, taken the 7th May 1805.

When did you become acquainted with the source from which lord Melville took the money advanced to Messrs. Boyd? I certainly at first thought that lord Melville had obtained this accommodation for Mr. Boyd either from Messrs. Drummonds, or from some of his private connections, Mr. Boyd not having been able, from the extraordinary circumstances of the time to which I have before referred, to raise upon discount the whole sum which was necessary; but in the course of the transaction I certainly did believe that the money had been advanced from the balance in the hands of the treasurer of the navy; at what period this idea came into my mind I cannot at present state.—Were you aware that in making such advance, the treasurer of the navy was acting illegally as well as irregularly? I probably had not the act of parliament very precisely in my recollection; and it does not occur to me now, that at the time I was satisfied he had acted illegally.—Did lord Melville tell you he had communicated with Mr. Pitt, and had his concurrence in the transaction? If I had recollected that he had made any such communication to me, the communication would probably have been made in the conversation which I have before described, and I should have mentioned it as part of that conversation; I have no recollection that he did make such a communication, but I think it very possible that he may have made it, and I certainly acted under the idea that the transaction was known to lord Melville and Mr. Pitt, and to no other person.—Was it usual with you to transact any business of great importance, or of an extraordinary nature, without direct communication with the first lord of the treasury, and taking his instructions personally or by letter? Certainly not.—How came you then to omit the precaution in this instance? I have not said that I omitted the precaution in this instance, but I certainly have no accurate recollection of taking his instructions upon this subject; but I have before observed, that I acted under the impression of his knowledge of the transaction. I wish to add here, that the receipt of the money from lord Melville, the payment of it to Mr. Boyd, and the transmission of the securities, took place within so short a space of time, that it is very probable I had no opportunity of receiving particular instructions within that period from Mr. Pitt; the whole business I understood to be of great urgency, and that it was necessary the assistance should be afforded to Mr. Boyd without any delay.—Do you recollect whether Mr. Pitt first mentioned the subject to you, or you to him? I do not.—Had you at any time previous to the late enquiry before the naval commissioners, any reason to suppose or believe that any other transaction of an irregular nature, other than the advance to Messrs. Boyd, had taken place in the conduct of the pay office of the navy? I certainly had not.—Had you at any time previous to the said period any knowledge of, or reason to suppose that profits had been made by any individual connected with that department, of the public money issued for the service of the navy? I had not.—Did the payment of that 40,000l. to Mr. Boyd answer the intended purpose of saving the house from failure, and enable them to pay the subsequent instalments? The subsequent instalments upon both the loans of Mr. Boyd were paid, and the house did not fail; how far the 40,000l. contributed to the support of the house, it is impossible for me to state.—Do you know whether Mr. Boyd is alive, and within the realm? I do not know; I heard of his being at Paris some time ago.—How long since did you hear he was at Paris? I cannot answer that question with any sort of precision.—At what period of time was it from the advances that were made to Messrs. Boyd and Benfield, that the transaction took place in which an extent was issued against their property on behalf of the crown? I believe between two and three years; the extent, I believe, issued in the course of the year 1799.

The examination of the right hon. WILLIAM PITT, *taken the 6th of May* 1805.

Do you know of any instance of money, issued for naval services, applied to purposes not naval? I know of one such instance.—Have the goodness to state it? It was an advance made from naval money, in the course of the year 1796; I think late in the summer or in the autumn of 1796; I am not able to ascertain the precise time; it was made to the house of Messrs. Boyd and Benfield, who were then contractors for two loans for government; the advance was the sum of 40,000l. It was made in consequence of a representation, that, from the difficulty which existed at that time in obtaining advances, even on good security, they were under such pecuniary embarrassments, as would prevent their making good an instalment due to government. Unquestionable securities were given for the repayment of the advance; and, under these circumstances, knowing no other way at the time by which serious mischief to the public service could be prevented; and understanding that the naval service was not likely to suffer any inconvenience from this advance, I concurred in opinion with the treasurer of the navy, that it was advisable to make it. I must beg the committee to understand, that I can only state the general substance of the transaction to the best of my recollection, not being able precisely to recall all the particulars at this distance of time.—To whom was the pecuniary embarrassments of the house of Boyd and Benfield made known? To myself and lord Melville.—At the same time? Whether separately or jointly I cannot undertake to say, but I rather believe both ways.—With whom did the proposition for the relief of the house of Boyd and Benfield, by the means which were afterwards resorted to, originate? I am confident the suggestion of the means must have originated with the treasurer of the navy.—Did the treasurer of the navy state in what manner he meant to obtain the money? I do not recollect that he did; but I understood generally, that it was money which could, in his opinion, be spared for a time without inconvenience, provided there was sufficient security for its repayment.—Do you know in point of fact how it was obtained? I do not from my own knowledge.—Did you enquire into the nature of the securities that were taken, or their amount? I was satisfied at the time that the securities offered were such as might be depended upon, and I think I understood them to consist either of navy bills, or of bills which had been accepted by the East India company, which were to fall due at successive periods; but I do not recollect having myself seen the securities.—Did you conceive the transaction to be irregular and illegal? I certainly considered it as irregular; I do not know it occurred to me at the time that it was positively illegal; but I have no difficulty in saying, that I was so strongly impressed with the belief of its importance and urgent necessity, with a view to essential public interests, that I should have thought it my duty to incur the risk of committing an irregular and illegal act, rather than expose the public to the mischief which I thought would otherwise infallibly have arisen.—Did you make any memorandum in writing of the transaction, or any part of it? No, I did not.—Did you take any steps towards obtaining an indemnity of such an irregularity, committed with your knowledge and concurrence? No, I did not; and I conceive that it was impossible for me to have done so, without disclosing circumstances which must have been highly injurious to the mercantile house it concerned, and might have in a great measure tended to counteract the objects of the public service which I had in view.—When such delicacy as to the disclosure of the transaction had ceased, did you take any such steps? I have never hitherto taken any such steps; the delicacy attending such disclosure could never, I conceive, be considered as having ceased, till after the house in question became bankrupt.—When did that happen? I really do not recollect; but it was a considerable time; I believe three or four years after the transaction; and I confess, the necessity of applying for indemnity did not then present itself to my mind.—Were any of the other public servants acquainted with the transaction? I believe no others, with the exception of Mr. Long, then one of the secretaries of the treasury, through whom the money was so advanced.—Do you know any thing about the repayment of the money, or the periods at which it was repaid? I only know it as I learned it from Mr. Long, and I cannot state precisely particular periods; but I understood generally a large proportion of it to be within a short time.—Do you know if it has all been repaid? I have no doubt but it has.—Do you know of the existence of any document any where, at the time or since, or now, by which the public could have come at the knowledge of this transaction? I do not know of any memorandum or document made at the time, or since; but I conceive, that if the monies had not been punctually repaid, the securities deposited must have led to ascertain to whom the advances were made.—The money being paid, and the securities of course returned, was there, or is there, any other source of such information? None, that I know of, but the evidence of the parties concerned.—Then, supposing the death of such parties, was there, or is there, any such evidence at all? None, that I know of, since the repayment of the sums.—Do you know of any other advances of money issued for navy services to purposes not naval, at any time, or of any description? No, I do not know of any such advances.

The further examination of the right hon. William Pitt, taken the 7th of May 1805.

Was any interest paid by Messrs. Boyd upon the loan of 40,000l.? I do not know that there was.—Why was it not paid? No demand was made.—Do you recollect any other instance of public money advanced to commercial persons in which interest was not demanded? I do not recollect any similar instance of such an advance.—Do you recollect any other instance where interest has not been paid? No.—For what reason was the demand of interest omitted? I can assign no specific reason; it did not occur to me to be necessary.—What was the amount of money borrowed in the year 1795? I cannot take upon myself to say at this moment.—Do you recollect how many loans were made in that year? I cannot now state it with any accuracy; but there was one made in December 1795.—Was Mr. Boyd contractor for all or any of the loans made in 1795? I am sure he was contractor for the loan made about December 1795; I do not recollect any preceding loan.—Was the loan of December 1795 a close loan, or a loan by public bidding? There was one of the loans with Mr. Boyd a close loan, but I cannot recollect which.—Do you recollect that Mr. Boyd laid claim to the loan in December 1795, in consequence of any previous transactions between you and him, or of any understanding that had taken place between you? I cannot take upon myself to state these circumstances now with accuracy, upon recollection: and I beg to refer to the examinations that were taken when the transaction was recent.—Was not a loan of 7,500,000l. or thereabouts, contracted for in or about the month of April 1796? I believe there was.—Was Mr. Boyd contractor for that loan? He was.—Was that a close or open loan? I do not now recollect.—Do you recollect about what time the house of Boyd stated to you their difficulties for the first time? I do not.—Can you recollect whether it was previous to the loan of the spring 1796? I believe not.—Do you recollect a notice given by the bank in December 1795, of their intention to narrow their discounts? I recollect such a notice being given, but I cannot now state at what precise period.—Was that notice acted upon? I understand it was.—Do you recollect a general complaint, that the acting upon that notice had tended to increase the embarrassment prevailing in the commercial world at that time? I recollect much complaint of that nature.—Did Mr. Boyd make any particular and specific complaint to you of his own embarrassments, in consequence of the conduct of the bank? I believe he complained of its effects.—Had you any communication with the governor and company of the bank on this subject of their conduct? I think I had conversation on the subject of their conduct in narrowing their discounts at different times.—Do you recollect the date of the first? I do not.—Can you give the committee any information as to the probable date of such communications? I really cannot, as I do not at present recollect when the measure was adopted.—Can you recollect the reasons assigned by the governor and company of the bank of England for their conduct in so narrowing their discounts? As well as I recollect, but I cannot at this distance of time speak with certainty, the reasons assigned were the decrease of cash in their possession, and a desire to check speculation, to which they thought those discounts were applied.—Did any particular conversation take place on the subject of the house of Boyd and co. in your communications with the bank, or was that house mentioned in any conversations that passed at that period? I rather think, that house has been mentioned in some conversations, but I cannot now recollect with any precision.—Do you recollect the drift of any such conversations relating to that house? No, I do not.—Did the house of Boyd complain, or ever state to you that the bank were not so liberal in their discounts to that house as to others? I think they did.—Did you enquire into the reason of the particular conduct of the bank towards that house? I do not recollect that I did.—Do you recollect any general information you may have received from any quarter of the reasons for that particular conduct? I do not.—When was you first informed of the danger in which that house found itself? I cannot say; in the course of the year 1796, I believe.—Was that danger ascribed by them to the particular conduct of the bank towards them? To the best of my recollection it was.—Do you believe the conduct of the bank towards them at that time to have been an exception to their then general conduct? I do not know that it was, but I have not sufficient knowledge of the particulars to form a judgment on that subject.—Was it so stated to be by Boyd and co.? I rather think that they represented an opinion that the conduct of the bank was adopted with views unfavourable to them.—Have you any reason to believe such representations were well founded? I have had no means of forming a judgment upon that subject.—Do you believe the bank to have been under difficulties about that period? I believe the difficulties of the bank, which led to the suspensions of their payments in cash in the February following, were commencing in that year, or perhaps the preceding.—Have you any reason to believe those difficulties to have intermitted, or have been suspended about the period of the advance to Messrs. Boyd of 40,000l.? I do not at present recollect any reason for such belief.—Did you know that the 40,000l. so advanced would be drawn from the bank? I had no knowledge of the particular mode by which that sum would be furnished.—Did you believe it would come out of the public money advanced for navy services? I did.—Ought not such money, according to law, to remain in the bank till assigned to, or drawn for, particular navy services? Yes, I conceive so.—Were you at the time aware of such legal provisions? I certainly must have known the existence of the act; but its particular provision was not at that time under my contemplation.—Did the governor or deputy-governor of the bank of England, in the information which they gave to you of one of the reasons which induced them to narrow their discounts, namely, for the purpose of checking speculation, allude at all, or in any way to the house of Boyd? I cannot take upon myself to say either way.—Did the governor or deputy-governor of the bank of England, in the information they gave you of the reasons for their conduct in narrowing their discounts, state the necessity for their so doing, in consequecne of the large advances under which they were to government, and which had not been replaced according to agreement? I think they made representations to that effect; but for the particulars I would beg again to refer to examinations which were taken before the committee soon after that period.—Had you any money transactions on the part of the public with the house of Boyd, subsequent to the loan of the spring 1796? I think there was an issue of money to them for public service, which appeared in the extraordinary of the army in 1797.—To what amount? It will appear by the extraordinaries; I think about 100,000l. and, as well as I recollect, it was for the remittance of silver from India to the Cape.—Did they apply to you, or were they competitors for any loan subsequent to the loan for the spring 1796? I do not recollect.—Was any information given to you, or had you any reason to believe the house of Boyd and co. were engaged in speculations to any amount besides their engagements for the loans negotiated with them? I understood them to be engaged in very extensive pecuniary or mercantile transactions as bankers and remitters, but I had no knowledge of the particulars.—Was any information given to you, or hint thrown out, of the probability of the event which actually took place, namely, the failure of the house of Boyd and co.? I heard surmises to that effect, but I cannot say at what time.—Can you say that it was not at an earlier period than the one at which the 40,000l. was advanced? I do not think that it was.—Do you know any thing of the causes which led to that failure? Nothing precisely.—Have you heard what those causes were? I cannot pretend to recollect them now with precision; the narrowing the discounts of the bank, and their refusal in 1796 to make the accustomed advances on the loan, were stated as circumstances very prejudicial to them; but how far these were the causes of their ultimate failure, I cannot judge.—Did you ever hear there were large speculators in the public funds at the period of the negotiations at Lisle? I have heard such report, but know nothing of the subject.—What was the nature of the injury the public was likely to sustain from a full disclosure of all the circumstances relating to the advance made to Messrs. Boyd and Benfield, as soon as they had made good all the instalments of the loan? I meant in that part of my answer, to apply particularly to the period while the instalments of the loans were not made good; the injury afterwards to the public would have been that of the failure of any great mercantile house; but in that latter period, the principal reason I assigned for avoiding disclosure was, the injurious effect it would have upon the parties themselves.—Do you conceive the 40,000l. advanced to Mr. Boyd, if it had not been so advanced, would have been productive of any interest to the public? I conceive certainly not.—Will you state generally to the committee, what you recollect to have been the state of the money market in the course of the year 1796, and the beginning of the year 1797? I conceive it to have been a period of the greatest embarrassment, both of public and private credit, and it led to the circumstance of the stoppage of the payment of cash by the bank in the spring of 1797.—From the then state of the money market, in case Mr. Boyd had failed in making good his payments, and the contracts for the two loans then in progress of payment had been dissolved, do you conceive a new could have been procured for the public on terms equally advantageous? I am perfectly convinced that it would not; and that the embarrassment that it would have occasioned to the public service would have been of the most serious and alarming nature.—In the then state of the market, would it have been easy to have made a loan in lieu thereof? No, it would have been extremely difficult, and, I believe, impossible, unless upon most unfavourable terms.—To what extent do you conceive the failure of Messrs. Boyd's loan would have effected the general credit of the country? To a very great and serious extent.—Would the effect have been such as to render the fulfilment of any future contract to be made with other parties, in a considerable degree, precarious and uncertain? That is matter of opinion of which I cannot speak positively, but I think there would have been great danger of such an effect.—Have you any knowledge of a certain sum of public money, amounting to 10,000l. being in the hands of lord Melville in the beginning of the year 1786? No, I have not.

The further examination of the right hon. William Pitt; taken the 8th of May 1805.

Were any representations at any time made to you by any body, of the circumstance of money issued to the bank for navy services, been drawn from thence, and lodged in the hands of a private banker or bankers? I have a general recollection, that Mr. Raikes, one of the bank directors, and I believe either governor or deputy governor at the time, took some occasion to mention to me, that he believed sums were drawn from the bank to a larger amount than he supposed to be necessary, and carried to a private banker's, but no memorandum or document of any sort was given to me; and at this distance of time, I can only state the substance of what passed very generally, and cannot undertake with any precision to recollect the particulars.—Had you any communication with the treasurer of the navy in consequence of what Mr. Raikes had told you? Yes, I had; I took an early opportunity of stating to him the opinion which Mr. Raikes had expressed to me.—What further passed on the subject? I cannot state precisely the conversation that took place between us, but I was led to suppose, from what passed, that the treasurer of the navy did not believe that any larger sums were drawn from the bank than such as were necessary for carrying on the detail of the service in payments to individuals; but I beg to have it understood, that I cannot state with any precision the terms which were used, I only state the general impression left upon my mind.—Was that general impression such as to lead you to disbelieve the fact stated to you by Mr. Raikes, namely, that money was drawn from the bank under the authority of the treasurer of the navy, and lodged at a private banker's? It did not lead me to disbelieve the fact, that money was drawn from the bank, and lodged at a private banker's; but it led me to believe that no other sums were drawn but such as were necessary for carrying on the details of the service.—Were you aware that such proceeding on the part of the treasurer of the navy was irregular? I was so far satisfied with the general statements so given me, that I made no further enquiry, and did not particularly advert to the provisions of the act of parliament; and it did not occur to my mind, that drawing such sums of money as were necessary for carrying on the details of the service was an illegal practice.—Did you take any steps to verify the statements made to you, by calling for an examination of any books, accounts, or papers on the subject? No, I did not; I beg leave to observe, that I have already stated that I was so far satisfied with the general statement which I received in conversation with the treasurer of the navy, that I made no further enquiry.—Did you inform Mr. Raikes of the satisfaction you had obtained from your conversation with the treasurer of the navy? I do not recollect having afterwards any conversation with Mr. Raikes on the subject.—Did you inform any other of the public servants, or any of the law officers of the crown, of the communication that had been made to you by Mr. Raikes? No, I did not; no impression was left on my mind, after the conversation with the treasurer of the navy, to make me feel it necessary to take any steps on the subject.—Although you did not know to what extent money was so drawn from the bank by the treasurer of the navy, and lodged at a private banker's, did you know the practice was continued? I do not recollect knowing any thing afterwards on the subject; but I conceived, from the treasurer of the navy's conversation, that the practice took place only as necessary for carrying on the services, as I have already explained.—Did you investigate such necessity? No, I did not; I relied on the opinion given me by the treasurer of the navy without further examination.—Do you recollect how soon after the conversation with Mr. Raikes, your conversation with the treasurer of the navy took place? I do not recollect with any certainty; but I believe very soon after; probably on the first occasion I had of conversing with him, when our attention was not engaged by other pressing business.—Did he state to you any ground of the necessity he alledged for placing the money at a private banker's? I have already said, that I cannot, at this distance of time, recollect the particulars of what passed; but I believe that he stated his opinion of the impossibility of carrying on various detailed payments in any other manner.—Do you recollect that the propriety of the revision of the existing laws on the subject formed any part of that conversation? No, I am persuaded it did not; he did not appear to me to have any impression on his mind that what was done was contrary to law.—On what ground, as far as you can recollect, did Mr. Raikes make any communication to you on the subject? I have already stated, that my recollection does not enable me to refer to the particulars of the conversation, but I conceive him to have stated, that he supposed money to be withdrawn to a greater amount than was necessary for the public service.—Had you any information at any time from any person, in any manner, or irregularity in the management of the public money advanced for naval services besides the communication made by Mr. Raikes; or did you, in point of fact, know of any such irregularities in any other manner? I had no such information besides that referred to, nor did I know any thing further on the subject until at a period long subsequent, I learnt from lord Harrowby, then treasurer of the navy, that he thought the practice which had prevailed irregular, and was taking steps for altering it.—Had you any conversation or correspondence with lord Melville in consequence of such communication from lord Harrowby? No, I had not.—When this communication was made to you by Mr. Raikes, did he suggest to you any idea of any improper application or use of the money so taken out of the bank? I have no recollection that he did.—Had you, previous to the late enquiry before the naval commissioners, any knowledge of, or reason to suspect that private profits had been made by Mr. Trotter, or any other person, of naval monies, or that the business of the office was so conducted as to admit of private profit being made of such monies by any officer of that department? I had no knowledge at any time, previous to the enquiry before the naval commissioners, of any such profits having been made by any person; nor had I any suspicion of the business being so conducted as to admit of it till after the communication I have before adverted to with lord Harrowby, which conversation, to the best of my recollection, took place when I was out of office.—Had you, previous to the above enquiry, any knowledge of any sum other than the 40,000l. stated to be advanced to Mr. Boyd, being at any time diverted from the service of the navy to purposes not naval? None whatever.—Did lord Harrowby tell you that he knew, or that he had reason to suppose, that profit had been made of public money issued for naval service? I do not think he told me that he knew that it had, but he appeared to suppose that it might have been.—Were any steps taken by you to ascertain the fact? No, there were not.—Had you known at the time that profits were derived from the public money placed in the hands of private bankers, should you have deemed it irregular and illegal, and consequently a practice that ought immediately to have been stopped? I should certainly have deemed it a practice that ought immediately to have been stopped.—When Mr. Boyd informed you of the danger his house was in, and stated that danger to arise in part from the conduct of the bank, did you take any steps to enquire into the truth of such allegation? I do not recollect making any enquiry in consequence of Mr. Boyd's representation.—When the statement of difficulties was made to you by the house of Boyd, did you take any steps to enquire, by yourself or others, into the real solidity of that house, before you consented to the advance of 40,000l.? I did not make any minute enquiry; but I had a strong persuasion of the solidity of the house, and a belief that their difficulties were only occasioned by the temporary scarcity of money; and I did not hesitate to make the advance, because I conceived the security for its repayment to be unquestionable.

The further examination of the right hon. William Pitt; taken the 9th of May, 1805.

Do you recollect having been informed by Mr. Thornton, that he had reason to suppose the house of Boyd and co. would ultimately prove insolvent, and that you, therefore, would not suffer a bidding to be made for a loan you were then negotiating subsequent to the loan of 7,500,000l. above alluded to, and for which the house of Boyd and co. in conjunction with others, wished to bid? I have no distinct recollection of that transaction; but I think there was an occasion on which I declined receiving the proposal from some other bankers, who were supposed to be associated with Mr. Boyd; as well as I recollect that must have been at a later period; the bankers were, as well as I recollect, Messrs. Strange and co.—Do you recollect those bankers to have produced or said they were in possession of written instructions from the house of Boyd to bid? I do not recollect their producing any such instructions, but I am pretty confident they stated themselves as wishing to bid on Mr. Boyd's behalf as well as their own.—Do you recollect the information given by Mr. Thornton? I do not particularly; I imagine Mr. Thornton must have attended either as governor or deputy-governor of the bank, that having always been the practice previous to a bidding, to refer to the governor and deputy-governor for information, if there was any doubt of the sufficiency of any of the parties that came to bid.—Did you then refer to the governor or deputy-governor as to the sufficiency of the house of Boyd? I cannot answer that from memory; but I have no doubt I referred to them on the sufficiency of the parties joined with Messrs. Strange.—Was the public money stated by you to have been entrusted to the house of Boyd for the purpose of its being remitted to the Cape of Good Hope, so entrusted to them subsequent to your refusal of the list of Messrs. Strange and co. as bidders for the loan? I believe not; but I have already said I cannot say with certainty when that offer on the part of Messrs. Strange was made.—Was the money so entrusted to the house of Boyd punctually paid? No, it was not.—Has it all been paid? I believe it has not; an extent was issued, I believe, in 1799, in order to secure the recovery of what was due.—Can you state what was the amount due at the time of issuing the extent? No, I cannot.—Can you state what is now due? No, not with certainty.—Did not the house of Strange, which offered to bid for the loan in conjunction with Boyd, as was understood by you at the time, and whose offer was rejected by you, afterwards fail? Yes, it did.

The further examination of the right hon. William Pitt; taken the 17th of May, 1805.

Have you any reason to suppose that 20,000l. of money issued for naval services, was applied to purposes not naval, during the last treasurership of lord Melville, besides the sum of 40,000l. stated to have been advanced to the house of Boyd and Benfield, in the year 1796? I understood from conversation with lord Melville, that, to the best of his recollection, that was nearly the amount; and on that ground I stated my belief to that effect in the house of commons.—Have you any information as to the purpose to which such money was applied? I have not.—Did you make any enquiry of lord Melville on the subject? I did not.—When did the conversation take place? Some time after the tenth report was published.—Were you first lord of the treasury in the month of May, 1800? I was.—Do you recollect having been present at a board of treasury on the 29th of that month, to which Mr. Rose submitted a statement of a debt due to the treasurer of the navy from Mr. Adam Jellicoe? The precise date I cannot ascertain from memory; I perfectly recollect the statement, and the memorial of the treasurer of the navy, on which it was founded; both of which were under my consideration before the minute of treasury was framed. I believe I was actually present at the board, but of that I cannot speak positively.—Had you had any communication with the treasurer of the navy on the subject of his memorial, previous to its being submitted to your consideration? I believe I had, and that his communication was to the same effect as what was contained in the memorial.—Did you take any steps yourself, or give directions for steps to be taken, in order to verify the statements and allegations contained in that memorial? I do not recollect that I did; I had no doubt of the truth of the facts represented.—Are writs of privy seal for acquitting public officers of deficiencies, due to them by persons employed under them, usual? I do not apprehend the instances are frequent; but I take it to be the regular mode of giving a discharge where any circumstances appear to justify it.—Do you recollect any instance of a similar nature? I do not at this moment, but I rather believe others have occurred while I have been at the treasury.—Did you take the opinion of the law officers of the crown on the propriety or legality of the writ in question? I did not; I conceive the propriety of it to rest on grounds on which the treasury were themselves competent to decide; of its legality I have not the slightest doubt.—Do you know who drew the instrument? No, I do not; I suppose the solicitor of the treasury.—Did you enquire what was the state of the proceedings which had been instituted by direction of the treasurer of the navy to recover the debt due from Mr. Jellicoe? I think it probable that I did, but I cannot take upon myself to say; I do not recollect the particulars with sufficient precision.—Have you at any time since given any directions for proceedings to be continued on the part of the public for the balance still due from the estate of Mr. Jellicoe? I do not recollect that I have; I conceived that the solicitor of the treasury had previously been directed to take all the steps in his power; I must also add, that it was not many months after that period that I quitted office.—Are you aware that the solicitor of the treasury has suspended all proceedings in that business since the year 1792 or 1793? I am not aware of it, except as far as appears by his evidence before the commissioners of naval enquiry.—Since your return to office, and since that fact was so brought to your observation, have you taken any steps to ascertain its truth, or given any direction towards obtaining the balance on the part of the public? I have not taken any step on the subject since my return to office.—Have you had any conversation with lord Melville on the subject, at any time since the issue of the writ of privy seal? The subject may have been mentioned, but I have no recollection of any particular conversation upon it.—Had you any reason at any time to doubt that the proceedings against the estate of Mr. Jellicoe were duly carried on, and the proceeds regularly accounted for in the discharge of his balance? I do not recollect any circumstance that gave me any reason to doubt it.—Did you consider any fresh instructions on the part of the treasury as necessary to secure to the public the entire of such proceeds? It never occurred to me that they were, nor do I now conceive that they were.—Had you any information given to you at the time, of the nature of the proceedings instituted, of the situation in which they stood, and of the expectation that might be reasonably formed of further proceeds from the estate of Mr. Jellicoe; and in whose hands was placed the conduct of the business? I have no doubt that I had, though I cannot now state, upon recollection, the particulars of such information. [A letter from the naval commissioners read.]

The examination of THOMAS RAIKES, *esq. taken the 7th of May*, 1805.

Were you deputy-governor of the bank in the year 1796? Yes.—Who was governor? Mr. Daniel Giles; he is now dead.—Do you recollect a refusal, on the part of the bank, to make any payments upon a loan or loans contracted for by Boyd and co.? I do not exactly recollect that.—Do you recollect a notice given by the bank, of their intention to narrow their discounts about the end of the year 1795, or beginning of 1796? I remember such a circumstance, but cannot exactly state when it was.—Was such notice acted upon? Yes.—Was there any particular conduct on the part of the bank, towards the house of Boyd and co. in refusing to discount the bills of that house in the same proportion as the bank discounted bills for other mercantile houses? No; the bank told Mr. Boyd that they would discount for his house the same as they did for any other house of the most respectable situation, but Mr. Boyd required an accommodation of six times the amount which was accorded to the most respectable houses.—Did the bank, in point of fact, treat the house of Boyd as liberally as any other commercial house whatever? I believe they did, until by their own misconduct they lessened the opinion of their own credit.—About what time did the opinion of their credit begin to diminish, so as to induce the bank to alter their conduct towards them? It is impossible for me to determine that by memory, but I believe about the year 1796.—Were any representations made, or communications held with the chancellor of the exchequer, on the subject of narrowing the bank discounts? I make no doubt it was mentioned in the frequent conferences the governor and I had with the chancellor of the exchequer at that time.—Do you recollect any particular mention, in any of those conferences, of the house of Boyd and co.? No, I do not.—Do you recollect when the house of Boyd and co. failed? I do not recollect.—Was this state of the money market in August 1796, such as to have made it difficult or impossible to have discounted navy bills or bills accepted by the East India company at short dates? It is impossible for me to recollect.—Were the difficulties of the bank considerable about the months of August, September, and October 1796? Yes, the pressure for discounts was very heavy.

The further examination of Thomas Raikes, esq. taken the 8th of May, 1805.

It has been stated to the committee, that the narrowing of the bank discounts had for one object the checking of speculations supposed to be going on at that time; was that the fact? I do not recollect any such circumstance.—Was the general measure taken with a view to the house of Boyd in particular? I have been in the bank twenty-eight years, and I never knew it to act on such partial consideration.—Had you been aware that a certain sum of public money, which by law ought to have remained in the bank, till the time at which it might be wanted to be applied to the special service for which it had been issued to the bank, would be withdrawn, for the purpose of supporting the house of Boyd, should you have thought it your duty, with a view to the interests of the corporation of which you then had, in conjunction with Mr. Giles, the principal management, under the difficulties of the bank at that particular period, to have remonstrated with the chancellor of the exchequer on such transaction, to have made any representations to him or others on the subject, or to have taken any steps to prevent it? I certainly knew nothing of any such circumstance; if I had known it, on any sure foundation, and that any responsibility thereby devolved on the bank, I certainly should have thought it right to have expostulated with the chancellor of the exchequer upon it.—State why you would have expostulated with him? Because if I knew that monies, which were appropriated for the public service, were applied to the use of a private individual, I should have thought it requisite, if it came to me officially, to have mentioned it to the chancellor of the exchequer.—Do you remember, in February 1796, any application being made to the bank directors, to make the customary payments, on behalf of the contractors, for the loan taken in November 1795? I cannot recollect it now from memory.—Can you state, whether any application of a similar nature was made in May 1796, and refused by the directors?—I cannot, from my memory, but I believe there was something of that kind happened about that time.—Can you recollect, whether an application was made to the bank in June 1796, to advance on the loan of 7,500,000*l.* taken the preceding April, on which the directors consented to advance the 3d, 4th, and 6th payments, but not the last, which was due the 26th of October? My memory is not prepared to answer this question.—Can you recollect whether the second loan was or was not, in October 1796, at a discount of from 8 to 9 per cent.?—I do not recollect it.—Is there any custom at the bank which prevents the discretion of the bank directors, as to making advances upon loans, according to their opinion of the solvency of the persons concerned in the contracts, or their judgment on other circumstances of the time? No.—Has the usual custom of making advances upon certain payments of loans, ever been departed from, except in the cases alluded to? Yes, I remember several.—Enumerate them? I cannot.

The further examination of Thomas Raikes, esq. taken the 8th of May 1805.

Are you aware of the provisions of the act of the 25th Geo. III. cap. 31, for regulating the office of treasurer of the navy, in so far as they relate to the issues of public money to the bank for naval services? I never saw the act, or ever heard any particulars of it.—Do you know, in point of fact, that public money for naval services, is issued by the exchequer to the bank, to be drawn from thence by the treasurer of the navy or his agent, when applied to such services? Yes, I know that it is the custom of the business, and that it came to the cashier's office in the Bank.—How is it drawn from thence? I cannot speak from my own knowledge, the cashier manages all that business.—Do you know if any sums of money, paid from the exchequer into the bank, for naval services, have been drawn from the bank, and placed in the hands of private bankers? From my own knowledge, I cannot say I do know.—Has such information been given to you at any time? Yes, I believe in the year 1797.—By whom? Mr. Giles, the then late governor of the bank, told me, that Mr. Dundas, then treasurer of the navy, kept his cash, which by act of parliament he was directed to keep at the bank, at the private banking-house of Messrs. Coutts and co. I was going that day to the chancellor of the exchequer on business from the bank, and I thought it of sufficient consequence to mention the matter to him, but I called in Mr. Newland, the cashier, and asked him as to the circumstance, which he confirmed; and added, that navy bills were now paid by drafts upon Messrs. Coutts and co. instead of upon the bank, as they had formerly been. When I went up to Mr. Pitt, after the immediate object of my business from the bank was over, I did in conversation mention the circumstance to him.—Did any thing further pass? Nothing particular; I think Mr. Pitt thanked me for my information, and made no further observation.—Did Mr. Giles tell you any thing of the extent of these transactions, or when they commenced? Not that I recollect.—Had you any other conversation with the chancellor of the exchequer than the one you have now stated? None that I recollect.—Upon a point of this nature, affecting the interest of the bank, as well as those of the public, did it not occur to you to enquire whether any, or what steps had been taken, in consequence of your former suggestion? I looked upon it, that having made the matter known to the chancellor of the exchequer, it was in the hands of the person most competent to set any thing right that might be wrong in the business; I do not recollect I heard any thing more upon the subject in the course of my office.—Did you, on your return to the bank, make any minute of the substance of what had passed with the chancellor of the exchequer on this subject? I mentioned the matter to the committee of treasury and several of the directors, but I made no particular minute of it; I had always made minutes when I was in the situation of deputy governor, but another gentleman was now in that situation, and the practice was then discontinued, only a clerk was appointed to take minutes of any actual business that passed between the governors and the chancellor of the exchequer; but matters of conversation were not included.—Is it not usual to cause a minute to be taken of any representation made by the governor or deputy governor of the bank, which they consider as official? This communication was not considered as official.—Of whom did the committee of treasury consist at that time? Mr. Thomas Raikes, governor, Mr. Samuel Thornton, Sir Richard Neaves, Mr. Darell, Mr. Bosanquet, Mr. Giles, and Mr. Mathew.—Do you recollect the terms in which you made this communication to Mr. Pitt? Only as I before stated.—What was the date of the communication you made to Mr. Pitt? I do not know, but it was sometime after the 5th of April 1797.—Was any information officially given to the chancellor of the exchequer, on the part of the bank, after your communications made to the committee of treasury?—I do not recollect that any were. Did you consider the information given to the committee of treasury, as a matter of business brought before them on which it became them to act, or only as a report of a conversation that had taken place? Merely in the latter light; I did not conceive the bank had any right to apply further on the subject to the chancellor of the exchequer.—Can you mention in what terms you made the communication to Mr. Pitt? I told him that I had heard at the bank that morning, that the treasurer of the navy now kept his cash at Messrs. Coutts and co's instead of the bank, where I understood it should be lodged by act of parliament; and that I had also heard that navy bills were now paid by drafts upon Messrs Coutts and co. instead of drafts upon the bank.—Are you certain that those are the terms in which you made the communication?—I am not sure of the terms, it was eight years ago; but I am sure of the purport.—Had you any authority from the bank to mention the conversation alluded to, to the chancellor of the exchequer?—None, I did it with a view to the public good.—You mentioned it as an individual only? I cannot say quite as an individual; I was governor of the bank at the time; I learned it at the bank, and mentioned it to Mr. Pitt, being governor of the bank; I should not have known it had I not been in that situation, nor had any opportunity of making the communication.—Did you mention the circumstance to Mr. Pitt, as governor of the bank? I had no commission from the bank to mention it to Mr. Pitt, but I did in conversation after the busines was over.—By the word "business," do you mean such communication to the chancellor of the exchequer upon the business of the bank, which, as governor of the bank, you was authorized to make to him? I do.—All the business which you were to communicate to the Chancellor of the exchequer, as governor of the bank, was concluded previous to any such communication as that to which you have alluded? It was.—Might not the circumstance you mentioned to Mr. Pitt, have come equally to the knowledge of any holder of a navy bill, or to any person whom Mr. Giles informed as he did you?—Any holder of a navy bill, who received for payment a draft upon Coutts, must certainly know who paid them; but perhaps he might be ignorant from whence the funds came: but any person to whom Mr. Giles communicated the information he did to me, was equally master of it as I was.—When you made this communication to Mr. Pitt, did you not conceive you was discharging your duty as governor of the bank, although not acting officially?—I had no commission from the bank, but I thought it a duty to the public Mr. Pitt should know it.—Was the deputy governor of the bank present at this conversation with Mr. Pitt, or any other person? I make no doubt the deputy governor was, though I do not absolutely recollect the circumstance, for I always avoided going alone to the chancellor of the exchequer when I was governor of the bank, lest by failure of memory I might ever omit any part of the business I had to do.—Who was deputy governor at that time? Mr. Samuel Thornton.

The further examination of Thomas Raikes, esq. taken the 8th of May 1805.

When Mr. Giles informed you of the circumstance of the treasurer of the navy keeping his cash at a private banker's, did he throw out any hint that such money was applied for the profit of any person? No.—Did any such idea suggest itself to you, or did you at the time ever hear it, or know any thing of the matter? I cannot say but I had some suspicion of it, but nobody ever told me, nor did any thing of the kind ever come to my knowledge. Do you recollect stating any suspicion of that sort to Mr. Pitt, or throwing out any hint tending that way? As I knew nothing of that kind, I had no right to throw out suspicions.—When did you first entertain such suspicions? When Mr. Giles first mentioned it to me.

The examination of SAMUEL THORNTON, *esq. (a member of the committee,) taken the 8th of May* 1805.

Do you recollect applications made to the bank by the house of Boyd, to make certain advances upon a loan or loans, contracted for by that house in the years 1795 and 1796? I would premise that the loan taken in November 1795, was taken by Messrs. Boyd and co. and conjointly with Messrs. Robarts and Curtis, Goldsmid and others, from whom there was a joint application made to the bank, for advances on the said loan, in February 1796, but owing to the then state of public credit, and the situation of the bank with respect to its specie, the directors thought it prudent to restrain their engagements as much as possible; and as a principal means of so doing, and from that cause only, as far as my recollection serves, they declined advancing the progressive payments of the loan for the service of that year.—Were any subsequent applications made by the contractors in the same year, and of the same sort? Two more applications were made, the first of them in May 1796, which was declined by the bank on the grounds I have already mentioned; the next application was for an advance on a loan of seven millions and an half, which had been negotiated in April 1796, for the express purpose of funding 7,500,000*l.* chiefly of exchequer bills, and partly navy bills, held by the bank, and for the express purpose of relieving the bank from its advances to government, which at that time pressed heavily upon it; in consideration of the nature of this loan, and the comparative smallness of its amount, the directors consented to advance the 3d, 4th, 5th, and 6th payments, requiring the contractors to pay the 7th and last, which became due on the 26th of October 1796.—Were the difficulties of the Bank then, and the necessity they felt themselves under to narrow their discounts, owing, in a great or any degree, to the advances made to government, and the failure on the part of government to repay those advances at the periods stipulated? It was the prevailing opinion among the directors, that the cause mentioned was a principal occasion of their difficulties, to which however must be added, a general alarm that prevailed in the country, from an apprehension of the attacks of the enemy.—Was the step taken by the bank to narrow their discounts, with a view in any degree to check general speculations, or the speculations of any particular house? I believe it was taken solely with the view to contract their own engagements; a house, supposed to be involved in hazardous speculation, never enjoys the same credit at the bank as those who conduct their business in a regular way; but this circumstance would only restrain the advances of the bank to that particular house.—Did the house of Boyd enjoy as much of the confidence of the bank at the time the applications for the advances upon loans contracted for by them were made and refused, as any other house, and were they treated respecting their discounts with the same favour as any other house of the highest credit in London? Except their engagements with the public, Messrs. Boyd and co. had no engagements that were known to the bank to be of a nature or extent that precluded them from receiving the same accommodation as other houses of the first credit.—Did they in point of fact receive such accommodation? Except the advances on the loan, they received all, or nearly all the accommodation they asked for, to the best of my remembrance.—How long did that confidence in the house of Boyd, on the part of the Bank, and the accommodation consequent upon it, continue? Until a few months before their failure, at which time I was so convinced of their ultimate insolvency, that I thought it my duty to apprise the chancellor of the exchequer; and at the negotiation of a public loan, which I believe succeeded next to that of 1796, the chancellor of the exchequer, in my presence, refused to admit Mr. Boyd and others concerned with him as bidders, which they had offered to become.—Could you, by reference to any document, give the date of such bidding. I believe I could.—Was Mr. Boyd present? He was not; but two gentlemen offered a bidding for themselves and him, and Mr. Boyd sent printed circular letters, intimating, that such bidding was to be considered as a continuation of his lists for the loan; one of which letters I saw.—Do you recollect the date of your communication to Mr. Pitt, of the opinion you had formed of the ultimate insolvency of Boyd's house? It was not long before their actual failure.—From the knowledge you had then obtained of the situation of the affairs of that house, do you suppose their ultimate insolvency could have been presumed from an inspection of their affairs, and the knowledge of all their engagements, so early as the beginning of the year 1796? I had no apprehension of their insolvency in 1796, and drew the conclusion I mentioned in a former answer from the wants of his house, expressed to me by Mr. Boyd, and the very inadequate securities he then had to offer; I never saw a statement of his affairs till some time subsequent to his failure, and then only an abstract, which does not enable me to give an opinion on the last question.—Were the securities of the East India company negotiable in the months of August, Sept. and Oct. 1796? The bank discount only bills that are payable within two months from the time at which they are offered; if the India bills in the possession of Messrs. Boyd and co. had a large time to run, I conceive there might be difficulty of getting advances on them at that period.—Did you apprehend houses of the first credit could not by any means have converted them into cash? I think houses, who had not before been under the necessity of raising large supplies, might have got such accommodation.—Do East India bills, of the nature of those held by Messrs. Boyd, as far as the committee have had any description of them, bear interest? The bills drawn by the presidencies of India are frequently made payable at two periods, at the option of the court of directors; if discharged at the first period mentioned in the bill, no interest is received; but if the later period of payment is chosen by the directors, the bills bear interest for the time the payment is so protracted.—Can information be obtained from any document in the hands of the bank, of the drafts drawn by the paymaster of the navy pay office during the months of August, Sept. and Oct. 1796? From the bank books, an account may be given of all payments made by them, but the drafts, which are the vouchers of such payments, have always been returned to the navy pay office, when the account has been liquidated.—Had you any reason to doubt the solvency of Messrs. Boyd's house between August and Nov. 1796, when the advance of 40,000l. appears to have been made to him by the treasurer of the navy? I had no other cause of doubt except the extent of their engagements.—Did such doubts prevent them from receiving the usual accommodation at the bank, given to other houses? It certainly did not.—Could the repayment of the said advance of 40,000l. to the public, under the circumstance attending the same, as stated in evidence to the committee, have been affected by the solvency or insolvency of Messrs. Boyd and co? If the securities were of the same nature described exclusively, I think not.—Will you state what you recollect to have been the discount upon the loan in the latter part of the year 1796? I had the curiosity to advert yesterday to Castine's stock paper, which is the best authority on those subjects, and find, that on the first loan for the service of 1796, there is marked "no price," and in other places, "nothing done;" the second loan of 7 millions and an half, is quoted there to be at a discount at from 8 to 9 per cent.—Supposing the contracts for the two loans, then in progress of payment, had been dissolved, must not the advance of price to be paid by the public for any new loan have at least been equal to the discount on the loan then existing? I think there would have been great loss and great difficulty in negociating a fresh loan for the supplies of that year; but it must be a matter of doubt whether it would bear an exact proportion to the discount on the existing loan, in the hands of necessitous people, who, from their situation, must press the sale in an undue degree; I have no hesitation, however, to express my opinion, the cancelling a contract for a loan at that period of the year would have been as calamitous as it would have been unprecedented.—Had the failure of that loan then actually taken place, would such failure have tended materially to aggravate the difficulties you have stated at that time to exist in the money market of the country? I think it would have shaken public credit, and have materially affected the money market.—In point of fact, do the public receive any interest on the money issued from the exchequer to the bank for public services, in the interval between the time it is so issued, and the time when it is drawn out of the bank for such services? The bank is only a depository for such cash as is brought there, which may be taken away at pleasure, and therefore never allows interest.—Were the extent of the engagements of the house of Boyd, in 1796, sufficient to cause any doubt in your mind of their ultimate solvency? I had less doubt of their ultimate solvency than I should have of many others under similar circumstances, from the known extent of the fortune of one of the partners; but no house, whose engagements embraced so large a sphere as that of Boyd and co. can, in my mind, be perfectly secure.—Did you at any time, state any doubts of your own on that head, or converse at all on the possibility of such an event as did actually take place, namely, the failure of the house of Boyd, with the bank directors, or any of them, in the year 1796? The comparative security of different commercial houses, are always a subject of conversation at the bank; but I do not remember any particular allusion to the house of Boyd and co. at that time under consideration.—Do you know what causes immediately led to the failure of that house? I know only from report, that a large sum, alledged to be their property, was retained at Paris; that Mr. Benfield was disappointed of large remittances from India; besides which, it has been said, that they had unsuccessful speculations in the public funds.—Was the loan which was contracted for in April 1796, also contracted for conjointly by Messrs. Boyd and co. Messrs. Robarts and Curtis, and Mr. Goldsmid? It was.—When a loan has been contracted for conjointly by different houses, are they not all conjointly bound, by the contract entered into, to make the several payments on the loan? The engagement entered into, and signed, at the time of the contract, is merely to make the deposit, for which I understand the parties to be conjointly engaged; but after the appropriation of different parts of the loan to the respective subscribers, I consider each party to be engaged only for the sum set against his name; and, in proof of my opinion, there have been instances of subscribers forfeiting the early payments which they have made, in consequence of their neglect to make those which were to follow; and I believe, in the last session of parliament, an act passed to relieve a subscriber who was under these circumstances.—The failure of any of the contractors for that loan, in making good any of the payments on his part of the loan, would not then have been attended by setting aside the contract for the whole loan, but would have been attended by the forfeiture only of the several payments of the parts of the subscription held by such contractors? I conceive it would have been a forfeiture only of the part held by Messrs. Boyd and co. themselves as principals, and as agents for others, in which capacity I doubt not they acted; it is not to be presumed that they would have forfeited the seven or eight payments which must have been made on the loan antecedent to the periods spoken of, which must have been to the amount of 70 or 80 per cent. consequently the amount of loan held by them, as principals and agents, would have been brought to market, and sold at any price, to such persons as could make the payment in which Boyd and co. had failed.—Do you know how much of the loan was then actually held by the house of Boyd and Benfield, at the time the advance of 40,000l. was made? I conceive no person but themselves can answer that question; but the sum of 40,000l. would probably be equal to the payment on 400,000l. it is however probable, from the extent of their transactions, that they held a greater sum.—What would have been the probable effect in the money market at that period, if Messrs. Boyd had been obliged to sell their scrip at any price, for the purpose of making good their share of the instalments then due? I think it would have been very injurious to public credit.—Must it not have affected the other subscribers to the loan in making good their payments, by increasing the then discount at which the loan stood? It would have lessened their ability to make such payments in the degree to which it prevented their selling their scrip.—In point of fact, might not considerable difficulty have been found in turning any large amount of scrip into money in the then state of the market, except at a price extremely depreciated, even with reference to the previous existing discount? I think it probable the discount would have been increased by the sale of any such quantity of scrip as that held by Boyd and co. and much more so, if it had been suspected they were under the necessity of making such sale.—Had it been suspected that Messrs. Boyd were obliged to go into the market to make such sale on terms so disadvantageous, might it not have had a tendency to bring other demands upon their house of a nature to produce their failure at that moment? It probably might.—State the effect which you conceive the failure of the house of Messrs. Boyd, regard being had to the extent of their money transactions, would probably have had in the general state of public credit at that moment? The failure of any house of great commercial transactions would have been a public calamity at that period; but the transactions of Messrs. Boyd and co. being mostly out of the kingdom, except in as much as they were contractors for the loan, and agents to the empereror of Germany for the advances made to him by this country, would not have had more effect, if so much, as the failure of other houses of equal engagements.—Might not the failure of the house of Messrs. Boyd have involved other houses of importance in this country, and some who were also subscribers to the loan?—They would have distressed such houses as had made advances, or, in the way of business, happened to be holders of their acceptances; but I meant in a former answer to imply, that the manufacturers of this country, and the importers of East and West India produce, had not any great concerns with them.

The further examination of Samuel Thornton, esq. taken the 10*th of May* 1805.

Do you know the date of the bankruptcy of the house of Boyd and Benfield? I have in my hand an extract from the Gazette, by which it appears, that Walter Boyd, Paul Benfield, and James Drummond, were bankrupts the 25th of March 1800; their certificate was dated 20th of September 1800.—Do you recollect the date of the conversation you held with Mr. Pitt, wherein you informed him you were persuaded that house would prove ultimately insolvent, when, in consequence of that conversation, he refused a bidding for the loan from parties with whom that house were avowedly joined in such bidding? By a reference to some documents since my last examination, I am enabled to ascertain, that it was subsequent to the month of July 1798; and I have reason to believe, that the gentlemen who tendered a bidding on their behalf, and were refused to be admitted as bidders, did it for the loan in the year 1799.—Were Boyd and co. contractors for any, or all the loans made between the loan of 7.500,00l. raised in spring 1796, and the loan to which you have last alluded? Conjointly with other sets of gentlemen, I believe they were.—Was the loan contracted for in April 1798 of 17,000,000l. taken by Messrs. Boyd, and did they fulfil their contracts for that loan? The contract for the loans of 1798 were, to the best of my knowledge, punctually fulfilled; and I believe Boyd and co. to have been parties to such contract.—Was the loan of April 1798 a loan by open competition? To the best of my remembrance it was.—You have stated, that the parties connected with Messrs. Boyd were refused permission to become bidders for the loan contracted for in June 1799, of 15,500,000l.; can you recollect how long previous to that bidding you mentioned to the chancellor of the exchequer your suspicions of the insolvency of Boyd's house? The situation of Messrs. Boyd and co. was made known to me in July, 1798, in consequence of an application to the bank for extraordinary assistance, and some gentlemen having been appointed to look into their affairs, as the assistance required was granted to them, some time must have intervened before I could have formed an opinion whether it would have been available or not: as soon as I was convinced that the assistance could not extricate them from their difficulties, I mentioned the circumstance in a conversation to the chancellor of the exchequer; and on the bidding for the loan in 1799, when two houses, one of whom was that of Mr. Strange, the son-in-law of Mr. Dundas, offered a bidding, I thought it my duty, when appealed to by the chancellor of the exchequer for my opinion, to say that I thought the addition of that house, though then in credit, and the other house conjoined with them, did not give sufficient solidity to the list; and the deputy governor of the bank at that time agreeing in opinion with me, the parties were called into the room, and told by the chancellor of the exchequer they could not be admitted as bidders.—What was the interval, as near as you can recollect, between July 1798, when the application was made to the bank by Messrs. Boyd for extraordinary aid, and that when you, upon enquiry, was of opinion, that the assistance required could not extricate that house from its difficulties? I think not less than four months; it might be more.—Had that period expired of four months, or more, before you expressed your suspicions, as above stated, to the chancellor of the exchequer? I wish it to be understood, that this communication was not official, and as such I have no memorandum of it; but I think that time must have expired, or more.—Did the bank, in point of fact, give any aid to the house of Messrs. Boyd during that period? They did give aid to an extent, and upon securities, by which I mean the personal security of others, who became responsible for them, much beyond its usual way of business.—What was the general conduct of the bank towards the house of Messrs. Boyd subsequent to that period, the expiration of the four months, or more, from July 1798? The bank's accomodation was granted to Messrs. Boyd and co. for two months at a time, and how often it was renewed I cannot possibly say by memory; but as the personal securities were indisputable, it may have happened that the accommodation was continued even beyond the time I and others had apprehensions it would not be effectual.—What degree of general credit did the house of Messrs. Boyd stand in, in June 1799, when they were rejected as bidders for the loan? I think no mercantile house would have given them credit to any extent.

The further examination of Samuel Thornton, esq. taken 27th May 1805.

Had 100,000l. scrip been brought into the market in the month of September 1796, would such an addition to the scrip then upon sale have produced any, and what effect?—I think it would have increased the discount, which on the 5th of September I find to have been 15 and a half per cent; and the price of exchequer bills bearing 5 per cent. interest, to have been at 9 and a half per cent. discount: on these, or at about these terms, I suppose 100,000l. might have been sold.

The examination of GEORGE BARCLAY, *esq. taken the 10th of May* 1805.

Do you know of any instance, between August 1796 and January 1798, of any victualling bill which had been regularly accepted, and presented for payment, not having been paid when so presented for want of effects?—The case happened to me in an instance of my own.—State the case? It was in a bill of 1,000l. drawn from Martinique by Mr. Desborough upon the victualling office, regularly accepted, and due the 18th February 1797, and paid without interest on the 1st of March, eleven days after it was due. When it became due, was it presented for payment, and if presented, what answer?—I presented it myself the day it became due at the victualling office, and I was told there were no effects, or to that purport, and that I must call again; I was told at the victualling office by the people there, that there were a great many bills in a similar situation; cannot say who the individuals were that gave the answer. Do you know of any navy bills due, not having been paid when presented for payment within the period alluded to?—I cannot speak from my own knowledge, I have not the least doubt of the fact. Did you call between the 18th of February and the 1st of March?—I sent one of my clerks two or three times, and received the same answer, till the 1st of March.

The examination of ABRAHAM GOLDSMID, *esq. taken the 10th of May* 1805.

Were you one of the contractors for the loan which was made in November 1795? I think I was; I am almost sure I was; but I cannot speak positively.—Can you recollect the number of instalments, and the periods at which the instalments were to be paid? Most assuredly not.—Do you recollect what was the state of the money market in August 1796. It is impossible to recollect exactly, but I think money was scarce all that year.—From your recollection of the scarcity of money at that period, do you conceive that navy bills, or the acceptances of the East India company to bills drawn upon them from their presidencies abroad, were securities discountable, or on which money might have been obtained by pledging such securities? Most assuredly not; I myself sold them at a large discount; with difficulty you could not get more than 1,000l. or 2,000l., but nothing large could be depended on; it was only chance, and not to be relied on in any large sum.

The examination of GEORGE SWAFFIELD, *esq. taken the* 10*th of May* 1805.

What are you? Cashier of the victualling in the navy pay office.—Do you know any thing of any bill accepted by the commissioners of the victualling office, and presented for payment when due, not having been paid at the office when so presented, between August 1796 and January 1798? I do not recollect any such circumstance, if the bill was complete.—What is the meaning of the bill being "complete?" That the bill might be accepted by the board, but not assigned by them for want of money.—What is the meaning of "not assigned for want of money?" The money not having been issued from the exchequer to the treasurer of the navy for the payment of it.—On what head of account at the bank would the assignment of a bill upon the victualling office be made? On the head of victualling.—Is that class or head of payment distinct from the bill and payment office? It is so distinct, that I have never any cash at the bank but under that head of victualling.—Did it frequently happen that bills accepted were not assigned for want of money? I have known many instances of it.—Did such instances occur frequently between the month of August 1796 and January 1798? Most probably they did; I cannot pretend to say, without my books of accounts.—By reference to these books of accounts, can you discover what number of bills due, and presented, were not paid within the periods alluded to, because they had not been assigned for want of money? No, I cannot myself, but I could learn it from the victualling board.—Do you apprehend it can be ascertained by reference to documents in the victualling office? Certainly.—Would the assignment of accepted bills have been delayed, if a balance under that head of issue appeared in the books of the commissioners of victualling to be at that time in the hands of the treasurer of the navy? I believe not, that belongs to the victualling board.—Do you conceive the delay of assignments to have been occasioned by the delay of funds being issued from the exchequer to the credit of the treasurer of the navy at the bank, or by any circumstance in the mode of conducting the business in the treasurer of the navy's office, after the funds had been so issued to him. The delay is certainly for want of money being at the bank in the treasurer's name for that or any purpose.—Who is the head clerk of the pay branch in the navy pay office? John Swaffield, deputy to the paymaster.—By whom are the assignments made? Of these bills that I pay, the assignments are made by three or more commissioners of victualling.—Has the treasurer of the navy any thing to do with the making of the assignment? No.—Does not the treasurer of the navy order the issue of the money when the assignments are made? Whenever the commissioners of victualling assign bills for payment, they send a list of those bills by way of advice, and that list is generally sent to me, on which I apply for money to pay it.—Is such list sent previous to the assignment being made? I cannot say positively, but my instructions are not to pay those bills without first having the list.—Is the list submitted to any body before it comes to you? Very rarely.—Is it ever, or has it ever been? Not that I can recollect; those lists are generally sent to me open by one of their messengers, and frequently by one of their clerks.—Do you ever recollect notice having been sent to the victualling office not to make assignments of any list, or any bill or bills included in any list, or any victualling bill or bills of any description, till further order or communication? I certainly never knew an instance of that kind, and I have been three or four and thirty years in my present situation; I have been sixty years in all.—How are the victualling office informed of the balance of cash in the treasurer's hands, applicable to their department, so as to enable them to judge whether to assign, or not, bills that may be due? As it is received by the exchequer, it is or ought to be immediately certified to that board by the paymaster.—Do you know whether such certificates have, in point of fact, always been regularly made? They have not been immediately made, because the money has been issued from the exchequer in exchequer bills; which bills must go to market before the treasurer is in possesssion of the money.—Has the treasurer of the navy any authority to issue orders to the victualling board? I believe not.—Has the treasurer of the navy any discretion as to what bills shall be assigned, or not, on him? Certainly not; the money is entirely in the disposition of the commissioners of victualling.—Has he any other duties than to pay the bills assigned on him, as far as the balance standing in the bank, under the head of "victualling," enables him to do? No; except accounting for the money every fortnight.

The further examination of George Swaffield, esq. taken the 20th May, 1805.

[Mr. Swaffield delivered in an account of money, &c. received and paid by the treasurer of the navy, on the head of—"victualling;"—from the 1st to the 14th April 1805.]

The examination of THOMAS RIPPON, *esq. taken the 10th May* 1805.

What are you? One of the cashiers of the bank.—What have you brought, in obedience to the order of the committee? An extract from the books from the bank of England, of all drafts paid to the order of Alexander Trotter, esquire, as paymaster of the navy pay office, dated in the months of August, September, and October 1796.—[Extract read.]—How many years was you clerk in the drawing office at the bank, where all drafts passed by the navy pay office were paid? From the year 1782 to 1803.—Do you believe that any drafts from the paymaster were, during that time, ever paid by the bank, without such drafts having expressed a service on which they were drawn; and more particularly since the year 1786, when a regulation was made by law on that subject? I am clearly of opinion that there never were any, and particularly since the act passed.—If there had, would you have known it? They did not all pass through my hands; such a thing may have happened, as it was impossible that an account of that magnitude could have been conducted free from error; but they were never so passed, except in error.—Do you know, or have you heard from other clerks in the bank, of any instance in which such drafts were passed without specifying the service? I never recollect an instance myself, nor do I ever remember to have heard any report of such a thing happening from any other clerk.—Is it usual in the bank of England to destroy books and other vouchers when they become useless, and no longer necessary to be kept? During my service in the bank, I recollect two instances which have occurred, when books and useless papers, or such as may have been thought so, have either been sold as waste paper or burnt, to save them from the public eye.—Do you know the latest date of any papers so destroyed? Books belonging to some of the departments have been destroyed on to the last seven years, or to the year 1798; others belonging to other departments or offices have been preserved from the earliest period of the bank; and such books and papers only have been destroyed to a late period, as were thought of little or no importance; the motive for their being destroyed is for want of room.—What is the nature of the books destroyed? Balance books, waste ledgers, books which relate to bills discounted by the bank, and a great variety of others which I cannot enumerate.—Is it not the duty of the bank immediately to notify to the several boards, viz. navy board, victualling board, transport board, and sick and hurt, the precise amount of all monies received from the exchequer, for the service of their respective departments, and placed in the books of the bank to the credit of the treasurer of the navy, subject to their assignments? I never heard that it was usual for the bank to make any report of sums placed to any account, in any other way than by inserting in the bank book or books belonging to such accounts, the sums paid to the credit of those accounts from time to time.—How many heads of account were raised at the bank, to the credit of the treasurer of the navy, during the last treasurership of lord Melville? The right honourable Henry Dundas act of parliament new account, which commenced the 13th of January 1786, besides which, there was a sub-account, Dundas and Swaffield, for the victualling branch; that is all I recollect.—Was the money issued during that treasurership from the exchequer, paid all into the act of parliament new account, or any part of it to the credit of Dundas and Swaffield, or others? Money issued by the treasury to the treasurer of the navy did pass to the account of the treasurer of the navy, and was afterwards disposed of by drafts in favour of the other branches of service, and not in the first instance to the account of Dundas and Swaffield, or others, as far as I know.—Were there in point of fact, any accounts raised at the bank during that treasurership, distinguished by the title of navy branch, pay branch, victualling, transport, sick and hurt, into which particular issues of money were paid, destined to those particular services, and out of which particularly all drafts, specifying such particular services, were particularly and distincly paid? No accounts were ever raised at the bank under these titles, during that treasurership.—Are any such accounts now raised? None at this time are distinguished by those titles.—How are the treasurer's accounts now distinguished? The present treasurer's account was opened in the name of the right honourable George Canning; there are four sub-accounts in the bank; namely, James Slade, John Davies, George Swaffield, and John Swaffield.—Give the form by which money is passed from the account of the treasurer of the navy to the account of the sub-accomptants. "No. 26. London "Navy pay office, August 3d 1803. To the "cashiers of the bank of England. Write "off from my bank book, to the account of "James Slade, esquire, the sum of eight "thousand pounds. For the right honour-"able George Tierney. W. A. Latham. "8,000l. 0. 0. per Cr. Ca. James Slade."

The examination of JOHN SPOTTISWOODE, *esq. taken the 11th May* 1805.

Where you in partnership with your late father? Yes.—Do you recollect any thing relating to the instrument in your hand? I recollect the preparation of it, and being witness to Mr. Trotter's signature.—Were you concerned for lord Melville, as well as Mr. Trotter, in framing that instrument? The instrument was prepared by the desire of Mr. Trotter, and I conceive the expence of it was paid one-half by each party, but I do not think there was any communication between lord Melville and us on this subject.—Were you in the habit of doing business for lord Melville? Yes.—Who gave the instructions for the instrument? Mr. Trotter.—Who settled it? It was given into Mr. Trotter's hands, as far as I recollect.—Was any counsel applied to? None, I believe.—Is the clause to cancel and destroy vouchers a usual clause in instruments of this nature? I do not recollect any such clause in any release which I have seen, but I have had very little opportunity of seeing releases of this nature.—Do you recollect any particular instructions relative to that clause? No.—Do you know at whose suggestion it was inserted? No.—Were you present always when instructions were given relative to this instrument? I do not recollect, but I rather believe not.

The examination of DAVID ROBERTSON, *esq. taken 11th May* 1805.

Were you in partnership with the late Mr. Spottiswoode? I was.—How many years have you been in business? Seventeen years his clerk; and partner about two years before he died.—Do you know any thing of the instrument in your hand? I have some recollection of it.—Do you recollect instructions being given for the preparation of that instrument? No.—Do you know if that instrument was ever referred to counsel? Not to my knowledge.—Is the clause to cancel and destroy, usual in instruments of that nature? I do not know that it is.—Did you ever see it inserted in instruments of that nature before? I am not aware that I have.—Is this an instrument in the Scotch form? It has the forms that are necessary in both countries.—Does such a clause occur in Scotch instruments of release? I do not think that it does; I do not know that the clauses of Scotch releases are of a fixed nature.—Have you been in the custom of seeing Scotch instruments of releases? They occur from time to time, but not very frequently here.—In any Scotch instrument of the same kind you have seen, did you ever see such a clause? I cannot venture to say whether I have or have not.—Did you ever draw a Scotch instrument of release? Yes.—In such draft did you ever insert such a clause? Not that I recollect; in general releases of accounts betwixt landlord and steward in Scotland, it is the usual practice for the steward to deliver up the vouchers when the releases are signed.—Is it usual to deliver up the account books also? I believe not.

The examination of the right hon. lord HARROWBY; *taken the 11th of May* 1805.

When did your lordship become treasurer of the navy? In June or July 1800.—On coming into office, or at any time after, did you discover that irregularities in the payment of public money had taken place in that office, and were then practised? As this office was regulated by a variety of acts of parliament which had been brought in by my immediate predecessor, and, as I had been myself a member of the committee of the house of commons, appointed in 1797 to make enquiries respecting various public offices, which committee had not discovered or reported any irregularity in the conduct of that particular office, I had no reason whatever to suppose that any irregularities existed; at a subsequent period, but at what period I am at present unable to recollect, the particular practice to which I imagine the question alludes was brought to my notice.—In what manner was your notice called to that practice? I really cannot, at this distance of time, state with any accuracy.—Will you be so good as to state the practice? The practice, as I understood it, was this: instead of drawing money out of the bank for each individual payment, or drawing it into the hands of the cashiers to be placed in the iron chest, or to be sent to the clerks of the out-ports, to be paid afterwards to such persons as had demands for na-

naval service, sums of money were drawn by the paymaster from the bank to the house of Messrs. Coutts, day by day, or more frequently, as they were likely to be wanted and were distributed from the house of Messrs. Coutts by the orders of Mr. Trotter, either to the different cashiers, or to the different individuals to whom money was due.—Did you understand the practice to have prevailed long? When I first expressed some doubts concerning it, I was informed that the practice had began in 1786; as I had learnt that the act of 1785 had not been carried fully into execution till the beginning of the subsequent year, I imagined that the practice above-mentioned was in fact coeval with the act itself, and I did not know till I was informed by the naval commissioners, that any period had existed, however short, between the execution of that act and the commencement of the practice.—Had the practice continued, without interruption, from the period of January 1786 to the period of your discovery of it? I know nothing to the contrary.—Did the practice appear to you irregular, and contrary to law? As the practice of drawing money from the bank into the hands of the different cashiers, for the purpose of subsequent distribution, had been stated by the commissioners of enquiry in 1782 to be absolutely necessary, which practice was perhaps hardly justifiable according to the strict letter of the act that was passed pursuant to their suggestions, and which practice, nevertheless, it was impossible to suppose that act was intended to prohibit, it did not immediately appear to me that the practice of drawing money out of the bank into the hands of a private banker, if carried on bona fide for the same purposes of official convenience, and for those only, was necessarily illegal or unjustifiable; I felt it however to be a considerable objection to the practice, that it was in fact a substitution by the authority of the treasurer of the navy, for however short a time, of the security of a private banking-house, however respectable, in the room of the security of the bank, or of the clerks of his own office; and I was sensible that this practice, in common with that of placing sums of money in the hands of the cashiers, or of the clerks at the out-ports, or even in the iron chest of the office, was in some degree liable to abuse, undoubtedly in a greater degree than the practices last referred to.—Did you discover that abuse had arisen out of this practice? I did not.—Were you ever informed, or had you ever reason to believe that the public money had, in consequence of this practice, been used to purposes of private emolument? I was undoubtedly aware that the habitual passage of considerable sums through the hands of a private banker, for however short a time, each particular sum might remain upon his books, must be some advantage to the general concerns of the house, but I had no reason whatever to suspect, nor did I in fact suspect that any sums of money, after being drawn by Mr. Trotter from the bank, for naval services, and placed in the hands of Messrs. Coutts, were subsequently drawn from that house for any purposes whatsoever, except the naval services for which they were originally drawn.—Did you ever communicate to the present chancellor of the exchequer the irregularity you had discovered? It is difficult for me, at this distance of time, to recollect every incidental conversation I may have had with the chancellor of the exchequer; the only conversation which I recollect having had with him on that subject, while I was in office, was, I believe, a short time before or after my visit to the bank, which was subsequent to Mr. Pitt's leaving office, and the object of which is stated in my evidence before the commissioners of naval enquiry; the steps I did take will appear in that evidence, to which I beg leave to refer.—Do you recollect the terms, or the substance of the conversation that passed between you and Mr. Pitt? I only recollect very generally, that I mentioned to him the nature of the practice, with the reasons which led me to believe it to be irregular, and that I stated my intention of changing it; and as far as I can remember, Mr. Pitt appeared to agree with me in opinion, that it was desirable it should be changed. I had a subsequent conversation with Mr. Pitt, when we were both out of office, in the autumn of 1802; the only thing I recollect that the name of Mr. Coutts Trotter occurred in that conversation, and that I mentioned to Mr. Pitt that I thought it not improbable that either the circumstance of the naval money passing in part through the hands of the house of Coutts, to which I found that he belonged, might have led to his introduction into that house, or that the circumstance of his being a partner in it might have led to the selection of that house for that purpose; I meant this with a reference to advantage derived to the general concerns of a banking house necessarily arising from the nature of their business, however cautiously conducted, and not from having any reason to believe that the naval money was used for the benefit of Mr. Alexander Trotter; I had the less reason to suspect it, as his salary had been increased, I think in May, 1800 from 500l.

a year to 800l. on account of its inadequacy to the importance of his office.

The examination of JOHN SWAFFIELD, *esq. taken the* 13*th May* 1805.

What are you? I am deputy paymaster of the navy.—Have you the superintendance of the pay branch of the navy? Yes.—Are you at all times acquainted with the state of the balances in the bank, or in the hands of the paymaster, applicable to that particular branch? I know monthly the state of the bank balance.—Could any sum of money be diverted from the service of the pay branch, without such circumstance coming to your knowledge? I do not know of any thing further than that I receive occasionally from the paymaster the sums necessary for carrying on the service of the pay branch.—Do you officially, and at stated periods, check the expenditure in that branch, with the monthly returns of what are called the bank balances, applicable to that branch? I make out monthly, what we call a balance sheet, which shews the receipts and payments of the pay branch, and the balances remaining in each person's hands officially.—Did it ever occur in the course of your experience, that what is called the bank balance, proved less than could be accounted for by the expenditure in the pay branch? Not to my knowledge.—Could such a circumstance have taken place without your knowledge, unless a false return had been made by some person in some department? I had no knowledge actually of the bank balance.—Did you not receive, and have you not before stated, that you did receive official and periodical returns of the state of such balance? I mean to say, that I call upon the paymaster to know what sums have been received from the exchequer for the month for which we are making up the accounts; then I state my receipts and payments, and likewise the receipts and payments at the out-ports, by which I know what money has been issued from the bank for the pay branch; and, stating each separate balance with the chief clerk of all the ports, it appears what the bank balance should be.—Are you acquainted also officially, and periodically, with the issues from the exchequer to the bank? That is taken into our monthly certificate.—In point of fact, then, the balance paper ought to exhibit an accurate account of money issued from the exchequer to the bank on account of the pay branch, of money issued from the bank on the same account, and of the expenditure of such money? Yes; it should.—Are the balance papers, or copies of them preserved? I do not know.—To whom do you deliver the balance papers? To the paymaster.—How long have you been in the situation you now fill? From about July 1797.—During the period you have held such situation, has it come to your knowledge in any way, that money, applicable to the pay branch of the navy, has been diverted by any person to any other purpose whatever? Not to my knowledge.—Have any irregular payments been made by any person to the pay branch, which might lead you to suppose that such circumstance had taken place? I believe not.—Could such payments have been made without your knowledge? No.—Has any money been received, at any time during your office, for the pay branch, except from the bank? I do not recollect any.—Have you at any time received from any body, any particular or extraordinary instructions for framing your balance sheet? No.—Who was your predecessor in office? Mr. William Taylor.—Where does he live? Between Deal and Dover.—Have you the copies of the balance sheet since you came into office? I could make out a balance sheet for any month during that period.

The further examination of John Swaffield, esq. taken the 23*d of May,* 1805.

Explain the entry from the paper in your hand, being an account of the receipts and payments between the 1st and 31st of January 1798, in the treasurership of the right hon. Henry Dundass; viz. of "transfer to the victualling branch," to replace the like sum transferred from thence to "wages" in March 1797, of £.8,995. 13. 6.; does the word "wages" in that entry mean pay branch? Yes it does.—By whose order was the original transfer from the pay branch to the victualling branch made? I do not know.

The further examination of John Swaffield esq. taken the 24*th of May,* 1805.

What have you in your hand? The certificate book, from the 1st to the 31st of March 1797.—[Book produced.]

The examination of JAMES DRUMMOND, *esq. taken the* 13*th of May* 1805.

Were you partner in the firm of Boyd and Benfield? I was, but not precisely on the same footing as the other partners; the house of Boyd and Benfield was established in the month of March 1793. I became concerned with them on the 1st of January 1794, and was announced to the correspondents of the house as a partner, but as between ourselves it was agreed, in consideration of my share of the profits being comparatively small, that I should be exempted from any participation of loss in the years in which a loss might occur, and also from any contribution towards the capital, I retired from the house on the 31st of December 1798, in consequence of previous notice given by me to that effect early in that year. I never signed, or was required to sign, their contract of partnership.—During the time that you were a partner, did you take any active part in the concerns of the house, by personal attendance to the business carried on? I did, but chiefly under the direction of Mr. Boyd.—Do you recollect the circumstances relative to the loan negociated in November 1795, at what periods the several instalments to be made on that loan were contracted for to be paid? I recollect that a loan was made in the month of December 1795, which included a sum of 4,600,000l., lent to the emperor of Germany, for whom the house of Boyd, Benfield, and co. were agents; the further sum for the service of this country, I believe, was 18,000,000l.; the periods of instalments it is impossible for me to state from memory, but they were publickly known.—Was the house of Boyd and Benfield joint contractors for that loan? They were.—Do you recollect any difficulty, from the state of the money market at any period before the last instalment was made, of completing the payment of any instalment of that loan? I do not.—Do you know of any application made to government for assistance, in order to enable the house of Boyd and Benfield to complete any instalment upon that loan? I do not.—Were you in the habit of communicating with Mr. Boyd relative to the engagements of the house? Certainly, relative to all the affairs of the house in general; but I cannot know whether Mr. Boyd communicated to me every thing that passed between him and other persons.—Do you know of any sale of script, or any endeavour to sell script, in the months of August, September, and October 1796, for the purpose of furnishing money to complete any instalment that might fall due upon the loan of December 1795, within that period? I cannot speak with certainty as to the particular period from memory, but the house being in the habit of holding considerable sums of script, it is extremely probable that they may have sold a part of that script for the purpose of completing the payments on the remainder.—Do you recollect any sale of navy bills, or bills accepted by the East India company from their presidencies abroad, or any attempt to make such sale, in the months of August, September, and October 1796, for the purpose of completing any instalment upon the loan of December 1795, which might become due within that period? I do not recollect any such sales for that purpose, but it is impossible for me to state from memory the various and large transactions of that house; they will all be seen, I have no doubt, in the books and papers of the house.—In whose hands are those books and papers? They are in the custody of the person or persons appointed by the crown, under a writ of extent against the house: I believe they are at present in the strong room of the late house of Strange and co., bankers in New Bond-street, who were appointed receivers by the crown, with the consent and concurrence, I believe, of the assignees.—Do you recollect, in point of fact, any navy bills, or any bills accepted by the East India company, having been sold by the house of Boyd and Benfield about the period alluded to, in Autumn 1796? I have no particular recollection.—Do you recollect any instance, during the months of August, September, and October 1796, of any navy-bills, or bills accepted by the East India company, having been either discounted, or attempted to be discounted without success, by the house of Boyd and Benfield? I have no recollection whatever of any such circumstance.—From your recollection of the state of the money market during those months, and from your recollection of the extensive concerns of the house of Boyd and Benfield, do you think that had any such attempt been made to discount navy bills, or bills accepted by the East India company, in the hands of the house of Boyd and Benfield, that such discount could have been obtained? I presume that such discount could have been obtained by the house of Boyd and Benfield at that period, with as much facility as by any other house of business in the city of London; but on recollection, I believe that it was early in the year 1796 that the bank of England came to a resolution considerably to narrow their discounts, notwithstanding any ideas they might have entertained of the solidity of the paper offered them.—Were there, in the firm of the house of Boyd and Benfield, any other partners at that time besides Mr. Boyd, Mr. Benfield, and yourself? No others.—Did you never hear that Mr. M'Dowall was a partner in the house? Undoubtedly not; this is the first time I have heard such an idea mentioned.—Did you never see the bond which was signed by the different partners in the house of Boyd and Benfield, giving security to government for the completion of the contract entered into by Mr. Boyd, for the remittance of 50,000l. to the East Indies on account of government, to which bond Mr. M'Dowall's name, and the names of two other gentlemen, appear annexed to that bond, as partners in the house of Boyd and Benfield? I do not recollect having signed myself any such bond jointly with Mr. M'Dowall.—Who kept the cash-book of Boyd and Benfield, or the account of cash, receipts, and payments? Mr. Henry Libotton, a clerk in the house.—Under whose direction was the cash account kept? Mr. Boyd's; Mr. Libotton daily balanced the cash, and made his reports to Mr. Boyd.—Could money be advanced to the house, or raised from sources with which you were not acquainted? It might possibly, and having no particular charge of the cash-book, I did not frequently attend to that department of the house.—Was the making provision for the payment of the instalments on any particular loan to government more particularly under Mr. Boyd's direction, or that of you? I have already stated, that the cash affairs of the house were more particularly under the direction of Mr. Boyd.—Was Mr. Walter Boyd the younger in the partnership of Boyd and Benfield? He was not; I have heard him say, that Mr. Benfield had proposed to him to become a partner, but that he had declined it. He was, I believe, an acting partner in Mr. Boyd's house at Paris, before the revolution.—Have you any knowledge of any agreement made by Mr. Benfield, for any purchase of any estate in or about Shaftsbury, in July 1796? I have no knowledge whatever of Mr. Benfield's private or separate transactions; during the whole course of our partnership, I seldom had any communication with Mr. Benfield on any subject of business whatever.—Do you happen to know who was Mr. Benfield's solicitor at that time? Mr. Benfield has employed at various times so many different solicitors, that I do not know with certainty who was his solicitor for Shaftesbury; but I believe Mr. Lloyd, in Bedford-row.—Do you know whether Mr. Boyd was chosen to serve in parliament at the general election in the summer 1796? He was.—For what place? For Shaftsbury.—You have stated, that you had not the particular care of the cash in the house of Boyd, nor of course of the cash-book; did you however, at stated times, or frequently, review the cash-book, and take notice of the state of the cash? I have frequently looked into the cash-book, and taken notice of the state of the cash, but not at any stated periods.—Were all cash transactions of every description, regarding the firm, entered in that book? I believe they were.—Were all loans to and from the house entered there? I believe they were—Should you have deemed it a deviation from the course of business, if any loan had been made for the benefit of the house, and not regularly entered there? I should certainly have deemed it a deviation from the regular and established practice of all merchants.—Do you recollect, during the months of August, September, or October 1796, any entry of a loan for 40,000l. from government from lord Melville, then Mr. Dundass, from Mr. Long, or Anonymous? I do not recollect any such entry, or any such loan, being received at the house; but I have no doubt that if a sum of 40,000l. was received by the house, it must appear in the books of the house.—Did Mr Boyd communicate with you fully and freely on the concerns of the house, stating, at all times, such difficulties as may reasonably be supposed must occur at times in the management of all extensive concerns? Mr. Boyd was daily in the habit of communicating with me, or rather, I was in the habit of communicating with him concerning the affairs of the house; but whether Mr. Boyd communicated fully and freely every thing he knew, it was impossible for me to say.—Did he tell you at any time, to the best of your recollection, during the months of August, September, or October 1796, that unless assistance could be obtained from some quarter for the payment of instalments due to government, a failure was to be apprehended? I recollect that about the month of October 1796, the house, generally speaking, was in difficulties, very large sums being due to it by various correspondents; but I do not recollect any particular difficulty with respect to any instalments due to government.—Could such pressing difficulty, as before stated, have arisen without your knowledge? I do not conceive it possible any particular difficulty could have existed with regard to the instalment of a loan, because it was at all times in the power of the house to have sold the script upon which such instalment might have been due; it might indeed, in particular circumstances, not be convenient to do so, on account of the great loss that would be sustained.—Do you recollect a situation of the house in which their public securities would not fetch any price; and, on account of such circumstance, a failure was to be apprehended during the months mentioned? I do not recollect any period, at any time whatever, when public securities could not be sold at a greater or less discount.—Have you any recollection of the sale, or offer to sell, of any public securities or script by that house, during the same period? I have no doubt that about that period, sales of public securities must have been made by the house;

but with respect to the particular sums, or securities sold, I can only refer to the books of the house, it being impossible for me to state such transactions from memory.—Who had the custody of the securities, bills, and other marketable papers belonging to the house? They were kept in a drawer, of which Mr. Boyd had a key, and I also had one.—Could any quantity of such paper have been withdrawn from such drawer, for any length of time, without your knowledge or observation? These securities were daily given out, either by Mr. Boyd or by myself, as either of us happened to be present when they were wanted, for the purposes either of sale, discount, or to receive the payment on such as had become due.—Was there not an account kept of the contents of the drawer? There was no particular account kept of the contents of the drawer, other than that all remittances and securities were usually entered in the bill books, and when delivered to the cashier for the purposes before stated, it was his duty to mark them off in those books; but bills were frequently taken out for the purpose of being discounted when discount could not be regularly obtained, or when only temporary loans could be had on the security of the bills, in which case it is possible no such entry may have been made; the bills then ought to have been returned to the drawer.—Do you recollect the absence of any East India company bills, or navy bills, from the drawer, to the amount of 40,000l, or thereabouts, without your knowing for what purpose they had been used? I do not recollect any such circumstance, but I have no doubt that if any such transactions took place, they would appear in the books of the house.—Did Mr. Boyd ever inform you he had pledged securities to such an amount, for assistance to make good an instalment upon loan? I do not recollect that he did.—Have you any reason to believe such pledge was ever made by the house for such purpose? I have not.—In the event of any bills being taken from the drawer, and pledged to any party who lent money upon them, such party having received the payment of these bills when due, and discharged the debt due to himself from their produce, how would the entry respecting such transaction have been made in the books of Boyd and co.? I presume that the person would have been made debtor to cash to the account to which the bills or securities referred or belonged.—Would not such bills have been marked off in the bill-book as liquidated or paid? They would, if the cashier did his duty, although I had one key of the drawer which contained those bills. Mr. Boyd had complete and entire confidence in Mr. Libotton, and I delivered any securities to him that the drawer contained without hesitation, and without taking any note whatever of the bills so given out. The confidence of Mr Benfield in Mr. Libotton was, if possible, still more entire; he proposed about the latter end of the year 1796, or the beginning of the year 1797, that Mr. Libotton should become a partner in the house, to which I objected, and of course it did not take place —Were bills and securities to the amount of 41,060l. so marked off on or about the month of October 1796; or was an entry made of the nature you have described in a former answer? I have already stated, that I have no particular recollection of the bills which appear to be alluded to in that question; but I have no doubt, that if such bills were in possession of the house, or had been either sold or discounted by the house, they will appear to have been marked off in the bill-book.—Do you think that bills accepted by the East India company, some of which had twelve and fifteen months to run, and navy bills, could have been discounted in the autumn of 1796? I do not believe they could have been discounted of such long dates; but if it were legal to sell such bills, I have no doubt but it might have been practicable to sell them. Did Mr. Boyd ever mention to you, that in the autumn of 1796, he had conversed with lord Melville, or the chancellor of the exchequer, respecting any assistance to be furnished to him by government, in lieu of securities which he was to furnish for that purpose? I do not recollect that he did.—Had you yourself any conversation of the same nature with either of the above-named persons? I had not the honour of being at all known either to Mr. Pitt or lord Melville; I do not recollect ever having been in Mr. Pitt's presence on any occasion whatever, or ever been in lord Melville's presence since the house of Boyd, Benfield, and co. were in existence.—You have stated, that you did not sign the contract of partnership with Mr. Boyd and Benfield; did you not consider, that the not having so done, would exempt you from any of the legal consequences of their failure? I believe it would have exempted me, had the establishment been in any foreign country; for instance, in Holland or in France, where such limited partnerships are not uncommon; but I have been advised or informed, that according to the laws of this country, any person who is held out to the public as a partner, or who secretly participates in the profit, is liable to the creditors of the house, although, as between ourselves, I considered I was not liable to any loss; I thought so at the time, but I considered the fortune of Mr. Benfield and of Mr. Boyd (as represented to me by Mr. Boyd) to be such as would place me above all risk.—Did you consider yourself as partner at all, not having signed the contract of partnership? I considered myself liable as a partner to the public, but not bound by any particular stipulation which might have been entered into by Mr. Boyd and Mr. Benfield, in their contract together.—What do you mean by stating, that you acted chiefly under the direction of Mr. Boyd? I mean, that my concern in the house being comparatively very small, it would not have been becoming in me to assume much consequence from it.—Did you follow Mr. Boyd's directions in all cases respecting the concerns of the house? Generally speaking I certainly did; not, however, without expressing my own opinion.—Do you believe now that Mr. Boyd communicated to you all the money transactions of the house? I have no reason to think that he withheld from me any knowledge of the money transactions in general.—Then you cannot take upon yourself to say, that he did communicate to you all the money transactions of the house? I cannot positively say so, and certainly not in all the detail.—You have stated, that Mr. Boyd had entire confidence in Mr. Libotton, the cashier, had you the same degree of confidence in Mr. Libotton? I had no reason to doubt his honesty, nor have I now, although my opinion in other respects was not altogether so partial as that of Mr. Boyd and Mr. Benfield appeared to be.

The further examination of James Drummond, esq. taken the 15th of May 1805.

Is that book in your hand the cash-book of August 1798, of Boyd and Benfield? Yes.—Can you point out in the books before you, the entry of the sum advanced to Mr. Boyd of 40,000l. in the year 1796, by lord Melville, or Anonymous, which you may conclude to have been such advance upon the security of East India company bills and other public securities? It appears by an entry in the cash-book of 9th September 1796, that bills to the amount of 11,828l. 11s. 9d. on the East India Company; to the amount of 5,041l. 1s. 8d. on the treasury; a further sum of 11,000l. on the treasury; and 12,834l. 8s. 2d. on the victualling-office, making together the sum of 40,704l. 1s. 7d. were delivered to Mr. Boyd to discount, or raise money upon them; that Mr. Boyd accordingly paid to the house on account thereof 30,000l. on the 9th day of September aforesaid, and a further sum of 10,000l. on the following day. I wish to state in explanation of my evidence on a former day, that in the first part of my examination, my mind bore upon an earlier period than I now perceive the question applies to. I was asked concerning the loan contracted for in December 1795: my answer referred to the preceding loan for the service of the year 1795, in which the Imperial loan of 4,600,000l. was included; the loan contracted for in November or December 1795, consisted only of 18,000,000l. and did not include any loan to the emperor. About the 15th of April following, a further loan of seven millions and a half was raised for the service of the year 1796; this first erroneous impression ran through other parts of my evidence. I do not recollect any difficulty was experienced in money transactions during the year 1795, but it is a fact generally known, that great inconveniences were sustained from what is usually termed a scarcity of money early in the spring of 1796; and from the time that the bank of England came to the resolution of narrowing their discounts, that inconvenience continued to increase until the latter end of February 1797, when an order of council was made for suspending the issue of cash by the bank; in consequence of this general depreciation of credit, the loan of April 1796 was, in less than six weeks, three and an half per cent. discount; by the end of July, at seven and three quarters per cent. discount; and at the end of September, 13 per cent. discount; the other funds fell in proportion; it was nevertheless always possible to sell funded property, scrip, &c. at a greater or less discount; but the best mercantile securities, bills of exchange of undoubted credit and solidity, and even the acceptances of government, and the East India company, when at long dates, became in a great degree unavailable, that is to say, they could not be discounted at legal interest. That these general distresses bore with severe pressure on the house of Boyd, Benfield, and company, I never meant to deny; it was the more felt by them at that time, as their transactions were then of considerable magnitude, having large payments and remittances to make on account of the emperor, in addition to all the other concerns of their establishment. In answer to some of the questions, I have stated that I was in the constant habit of communicating with Mr. Boyd concerning the affairs of the house, but that I could not be certain whether upon all occasions, his communications to me were unreserved. In saying so, I was very far from meaning to insinuate any thing to the disadvantage of Mr. Boyd, for whose character and abilities I always did, and still do, entertain the highest opinion; I only meant to say, that our situations were very different in many respects, mine was that of an acting laborious partner in the executive business of the house, and particularly in the correspondence department; it was my duty to follow his instructions, and to inform him of every thing that occurred; he, on the contrary, was frequently placed in situations which might have rendered a full and free communication with me on every point very improper. I recollect particularly, that early in the month of June 1796, the Baron de Muller arrived from Vienna on a special mission from the direction of his Imperial majesty's finances, and that Mr. Boyd was confidentially employed by him and count Straremberg in negociating some plan of further pecuniary supplies to the emperor with his majesty's cabinet ministers. In consequence of those negociations, the house of Boyd, Benfield, and co. were instructed to facilitate the means of further supplies to the emperor, and sent a person to Hamburgh about the latter end of July 1796 for that express purpose, with unlimited credit upon the house. Mr. Boyd only communicated to me, on this and other similar occasions, as much as it was necessary I should know, for the purpose of carrying the resolutions into execution.—Do you find any entry of payment on instalments on the loan, corresponding to the entry of the receipt above stated of 40,000l.? I do not find any entry exactly correspondent to that particular sum; but many entries of large sums, on account of the direction of the finances at Vienna, particularly one sum on the 31st of October 1796, of 186,340l. 13s. 1d.—In the form of entries of bills, and other securities turned into money, on account of the house of Boyd and co. is any notice taken on the face of the cash-book, of the names of the parties by whom such bills or securities had been discounted? Not generally.—In the case of bills issued to Mr. Boyd personally to be so converted, would such entry occur? Mr. Boyd's account would be made debtor for any securities delivered to him by the house, and would be made creditor for the sums of money received from him on account of such securities; but the name of the person or persons from whom he had received the money would not be mentioned.—Would Mr. Boyd, on receipt of the advances of 40,000l. from Mr. Long, upon a deposit of bills, make any entry of Mr. Long's name in the cash-book of the house? Most probably not, such entry being unnecessary for the information of the house.—Can you state generally, what proportion of the loan of seven millions and an half, contracted for in April 1796, was held by the house of Boyd and co. either on their own account, or that of others for whom they acted as agents? I cannot from memory state, but I find in the ledger, that a first payment was made to the bank by the house of Boyd, Benfield, and co. on the 26th April 1796, of 238,900l. upon the sum of 2,389,000l. of that loan.—Does the sum in question include the payments on account of parties for whom the house acted as agents, as well as on behalf of the house itself? It does.—Can you state generally, what proportion of the loan of 18,000,000l. contracted for in December 1795, was retained by the house of Boyd and co. on their own behalf, or others for whom they acted as agents? I cannot; the first payment on that loan took place, I believe, in December 1795; the ledger now before me commences in January 1796; but it appears that a second payment was made upon that loan on the 22d of January, amounting to 12,559l. 18s.—Did the proportion of the loans of December 1795 and April 1796, retained by the house of Boyd and co. form a material proportion of the general transactions of the house at the period in question? It formed a large proportion, but there were at that time affairs of much more considerable magnitude than merely their amount in the share in the loan; it appears that in the year 1796, the house paid, or remitted to the direction of his Imperial and royal majesty's finances at Vienna, a sum amounting to 4,609,506l. 9s.—What was the highest discount on the loan of seven millions and an half, at any period in the year 1796? I cannot state from memory any higher discount than that of thirteen per cent. actually incurred by the house, by a transaction stated in their books, but it may have been at a higher discount.—Do you recollect how many instalments of the loan of December 1795 were due in September 1796? I have no means of knowing it.

The further examination of James Drummond, esq. taken the 17th of May 1805.

[Delivers in a copy of the entry of 9th and 10th September 1796, from the books of the house of Boyd and Benfield, which was read] —Was there any instalment payable on the loan of seven millions and an half in the month of September 1796, and on what day? I believe that an instalment of 15 per cent. became due on the loan of seven millions and a half, either on the 9th or 11th day of September, and that a further instalment of 15 per cent. on the preceding loan of 18,000,000l. became due on the 23d day of the same month.—Do you know which instalment on the loan of seven millions and an half it was that became due on the 9th or 11th of September? I do not recollect which it was, my information upon the subject being derived merely from a pamphlet which I saw yesterday evening.—Do not you know, that on the loan of seven millions and an half, with regard to some of the instalments, the bank had engaged to make the payments? I do not recollect whether the bank had upon that particular occasion or not: I wish to add, that on the first day of my examination, I came here altogether unacquainted upon what subject I was to be examined, and could not collect from the questions that were put to me, what the particular transaction was that was alluded to; it appears to have been a transaction that took place at the distance of nine years, and although of some considerable magnitude, it was not so, comparatively speaking, with the daily transactions of the house of Boyd and Benfield; and since I retired from the partnership on the 31st December 1798, I have had no access to the books and papers of the house, which might have otherwise furnished me the means of furnishing more distinct information to the committee upon the subjects upon which I was questioned: if therefore any contradiction or confusion may have appeared in my answers, I trust the committee will not impute it to any premeditated wish of withholding information.

The examination of THOMAS LLOYD, *esq. taken the* 15*th of May* 1805.

Do you know whether Mr. Benfield bought an estate at Shaftesbury in the year 1796? There was an estate that belonged to Mr. Briant put up to sale by Mr. Christie, and I think some weeks before the general election in 1796; it was purchased by Mr. Mills, and to the best of my recollection, the deposit money paid was about 2,000l. paid by Mr. Mills. At the general election Mr. Mills and Mr. Dawson stood in opposition to Mr. Benfield, and finding that the estate they had purchased was not equal to the representation made by Mr. Christie, and they having not succeeded in their election, Mr. Mills was desirous of getting rid of his contract, and Mr. Benfield agreed to stand in his place as to the purchase. The assignment of the contract was prepared by me, and executed at my house; and at the time of executing the contract the deposit paid by Mr. Mills was repaid by Mr. Benfield by draft on his own house.—When was the purchase money paid? It was never paid by Mr. Benfield.—Was it ever paid by his partner Mr. Boyd? No.—Was ever more than the deposit money ever actually paid upon this transaction? No.

The examination of OSBORN STANDERT, *esq. taken the* 15*th of May* 1805.

Have at any time to your knowledge, navy bills properly accepted, and presented for payment when due, been refused for want of effects in the treasurer's hands to pay them, or for any other cause? Certainly not to my knowledge.—Have you ever known an assignment of navy bill or bills delayed for want of effects in the hands of the treasurer of the navy, or for any other cause? No.

The examination of lord GLENBERVIE, *the late right hon. Sylvester Douglas, taken the* 16*th of May* 1805.

Were you a lord of the treasury in May 1800? I was.—Your name appears as having been present at a board of treasury held on the 29th of May 1800, to which board was submitted a statement of the case of Mr. Adam Jellicoe; have you any recollection of what passed at that board relative to that case? I have no recollection of what passed at that board, nor indeed, in having been present at it.—Were you in the habit of keeping minutes or memorandums of the transactions of the treasury boards at which you assisted, whilst you were a lord of the treasury? No.—Have you any recollection of any transactions relative to the case of Mr. Adam Jellicoe, or of any reference to any board of treasury at which you assisted during the time you were a lord of the treasury, relative to that case; or have you any knowledge or information of any sort relative to that case? I have no recollection of any transaction relative to that case, of any reference to the board; nor have I any knowledge or information of any sort, except what I may have collected from a very cursory and slight perusal of what is stated in the tenth report relative to that matter; and instead of having any recollection relative to what may have passed at, or been referred to, the board of treasury, relative to that business, my firm persuasion is, as far as my recollection can carry me, that I never had any knowledge of any sort regarding the transaction, or any thing that can bear in relation to it; I do not believe I ever heard the name of Jellicoe, or any thing respecting him, in any way, till about the time of the tenth report being presented to the house, or printed.—How long were you a lord of the treasury? From the month of February 1797 towards the end of 1800.—Whilst in office, did you regularly attend the treasury boards? Certainly not.—Did you frequently attend them? I think not, till about the time of that minute, and some time before; I had more regularly attended the first year or two that I was commissioner of the treasury.—Were you long in the habit of consulting the minute book of the board, to see what business might have been transacted in your absence? No.

The examination of the right hon. GEORGE ROSE, *taken the 16th May 1805.*

Were you secretary to the treasury in the year 1800? I was.—Do you recollect having submitted to the board a statement of the case of Mr. Adam Jellicoe, on the 29th of May 1800? I perfectly recollect the statement, and by reference to the minutes, I find it was on the 29th of May.—To what minute did you refer for that information?—To one printed in the tenth report, which I take for granted is accurate.—How are the minutes of the treasury board kept? In books, as I apprehend all other minutes are kept.—Do you recollect who were the lords present that day? I have no recollection, without reference to the minutes. I have no doubt Mr. Pitt was present, because business of that importance could not be decided in his absence.—How many members constitute a board of treasury? Three.—Is it usual, or does it ever happen, that the names of lords of the treasury, who are not present, are entered on the minute book as being present? It is not usual, but I will not say it may not have happened when lords may have previously perused, and approved of the matter to be decided on. It may have happened on other occasions, but it is not the common practice of the treasury. When I say the lords may have previously perused and approved it, I mean to confine it to the first lord; it was the practice, in many cases, to submit papers of importance to the deliberative and attentive consideration of the first lord, before they were brought to the board; and, in many cases, to circulate such papers to the junior lords previously.—Did it ever happen that papers were circulated for the signature of the junior lords, when such lords had not been present at the deliberations upon the matters to which such papers referred? I have no doubt but it very often did.—Was it your business, as secretary to the treasury, to investigate the truth of the statements submitted by you to the board on the 29th of May 1800, and to verify the account therein contained? I have felt it my duty upon all occasions, when I was at the board, respecting matters of importance, to inform myself as accurately as I could of them, for the information of the board, when the business was under deliberation; I have no doubt but I did so on the subject of Mr. Dundas's statement on the 29th May, but I certainly have no recollection of what passed particularly, although I had of the general impression in my mind, that it was a case well entiled to relief.—Did you keep any private memorandums of those cases into which you enquired, for the information of the board? Frequently rough memorandums, but never after the minutes were made; I had no written information but what appeared upon the face of the paper.—Have you any recollection of the person or persons with whom you may have conversed or communicated in order to satisfy your mind of the truth of the statements contained in the memorial? I certainly have no accurate recollection of the persons with whom I communicated on the subject, but I think I had with Mr. White, the solicitor of the treasury; it is now five years ago; the impression on my mind was, that every possible means had been used for the securing to the public the money due by Mr. Jellicoe to the treasurer of the navy, as far as respected the issuing the writs of extent against him and Mr. Cort, which, I conceived, tied up all the effects from private creditors. Although I had no legal responsibility in the determination of the treasury, I certainly thought in this case the treasury had hardly a choice in giving relief: I should have entertained the same opinion in the case of the bitterest personal or political enemy I have in the world; and I am perfectly persuaded, as far as my opinion goes, no favour was intended in that determination, but it was considered as an act of strict justice.—Had you any private conversation that you recollect, or communication with Mr. Pitt on the subject? Respecting that I can say nothing precise now, but I entertain no doubt but that my lord Melville's paper was submitted to him before it was decided at the board, as most important papers were.—From whom does the solicitor of the treasury, or through what channel, receive instructions to proceed on the part of the public? Through the secretary.—Were you instructed to order the solicitor of the treasury to use due diligence for the recovery of the remaining debt due from the estate of Mr. Adam Jellicoe, subsequent to the 29th of May 1800? I have no recollection of any; I should have thought, indeed, the proceedings under the extent would have gone on as matters of course; I should have thought, indeed, if any directions had been necessary, they might have been given from the treasurer of the navy.—After the writ of privy seal had been issued for acquitting lord Melville of Mr. Jellicoe's deficiency, did it not become the duty of the treasury to order all possible steps to be taken for the recovery of such debt, in consequence of that writ, due to the public, and to see that such proceedings as might have been previously instituted were in due form, and then carrying on? I verily believe the treasury thought no further steps necessary, the extents having been previously issued, as I have already said; I am perfectly sure no favour was intended to any of the parties by such directions not having been given; nor am I aware of any person being benefited by such proceedings not having been had.—Did you ask Mr. White, or do you think, you at the time knew what was the exact state of the proceedings under the extent? I have no recollection of any particulars that passed in conversation on the subject whatever, nor am I sure Mr. White was the person I conversed with.—How long did you continue secretary to the treasury? Until about March 1801.—Did you ever make subsequent enquiry as to the state of the proceedings under the extent, or ever know officially what progress might have been made towards the reduction of the debt due from the estate of Mr. Adam Jellicoe? No, I do not believe I ever did.—Who drew the writ of privy seal? I imagine the clerk, whose orderly duty it is.—Was it submitted to the law officers of the crown for their opinion as to its legality? I do not know.—Are such writs of acquittance to public debtors frequent? I do not think they are; I am not prepared to answer that; the auditors of public accounts are more qualified to answer that question than I am.—Are such writs of acquittance submitted to the auditors of public accounts, previous to their being sealed? In instances where the treasury think themselves incompetent to decide on the merits of the case, and in instances were allowances are claimed, they are submitted to the auditors of public accounts, or comptrollers of army accounts, and occasionally to other boards.—Was the writ in question ever submitted to the auditors of public accounts, either before or after its being sealed? No, I believe it was not thought necessary; the circumstances probably appeared sufficiently clear upon the face of the transaction to the board, not to render it necessary to make any reference.—Where are writs of this description registered or kept? I imagine they are registered at the privy seal office.

The examination of JOSEPH WHITE, *esq. taken the 16th of May* 1805.

It appears by your evidence before the commissioners of naval enquiry, that you were employed by the treasurer of the navy to recover a debt due to him from the estate of Adam Jellicoe, at what time did you receive your instructions to proceed in that business? On or about the 28th of August 1789; I was employed by Mr. Trotter.—You stated, that you debited the treasurer of the navy in your books for the expences attending that business; did you consider him as your private debtor for such expences, or did you debit him in virtue of his office, and as for a transaction belonging to the public? I considered myself as employed by him in the capacity of treasurer of the navy, and that I was at liberty to deduct the expences out of the money I recovered, which I did.—Did you then consider it as a public transaction? I did.—By your evidence before the commissioners of naval enquiry, it appears that you had not proceeded in such business since the year 1792 or 1793, what has been the reason of your not proceeding since that period? I received no directions to proceed, and I did not conceive that there was any of Mr. Jellicoe's property that could be recovered; and I beg to add, that there were some patents respecting the making of iron in a particular way, for the purchase of which many offers had been made, but I never could get any person finally to agree as a purchaser.—Were all the proceeds usually had under writs of extent or under writs of diem clausit extremum, put in force by you against the heirs or executors of Mr. Adam Jellico; and was every part of his property taken possession of on the part of the crown in the way usual under such writs? I think they were whenever there was a probability of getting any thing by virtue of such process.—Did you take upon you to judge of such probability, or did you state the case to, and take the judgment of any other person? I certainly did not judge entirely myself; I had many conversations with Mr. Trotter upon the subject, and from thence, and my own judgment, I formed my opinion.—Had you ever any communication of any sort with Lord Melville on the subject? I think I never had.—Is it usual with you, after having received instructions to proceed on the part of the public, to stop such proceedings without special order, and for want of special directions, to continue process from time to time? Certainly not, as solicitor of the treasury, or to the auditors, or to other boards.—How came you then to stop proceedings in the case of Jellicoe, without such special order? Because I conceived the employment different; I conceived that I was applied to because the solicitor of the admiralty happened to be absent, and that it was no part of my public duty to go on without directions.—Were you satisfied at the time proceedings ceased in the year 1792 or 1793, that every possible exertion had been made for the recovery of the debt due from the estate of Mr. Adam Jellicoe, and that every thing had, in point of fact, been recovered which could be expected from that estate? I was satisfied that every thing that had come to my knowledge had been got that could be got.—Have proceedings in that business ever been resumed? I do not recollect they have.—Have all the papers and instructions on that case been left in your office, or have you been directed at any time to transfer them to the office of the solicitor of the admiralty? They have been left in my office.—Under the original instructions you received, did you consider it your duty to proceed without further orders, whilst there were any visible effects on which you could hope to recover any further sums for the discharge of the balances due from Mr. Jellicoe's estate to the public? I did.—Should you have waited, in case you thought any such steps could be effectual, for fresh instructions? Certainly not.—Had fresh instructions been given, is it your opinion that you could have recovered further against Mr. Jellicoe's estate? I think not.—Did you ever receive from any person, or public board, any order or authority to stay proceedings against Mr. Jellicoe's estate? Never.—It is stated in the evidence given by Mr. Samuel Jellicoe, that he paid to Mr. Trotter 300l. on the 23d of September 1791; 1,750l. on the 21st of May 1800; that he also paid him on the 23d September 1791, 150l.; and on the 21st May 1800, 875l. for ten years and a quarter's rent at 100l. per annum of a wharf and warehouse at Gosport, part of the estate of his late father; did Mr. Trotter give you an account of the receipt of each of those sums? No.—Did you know of the existence of the wharf and warehouse at Gosport, as part of the estate of Adam Jellicoe? I do not recollect whether this wharf and warehouse is in the inquisition or not that was issued upon the extent; if it was found I must have known it.—Can you refer to the inquisition, and ascertain that fact? I can.—Be pleased to do so? I will.—It is stated by Mr. Samuel Jellicoe in his evidence, that by agreement with the paymaster of the navy, he was to pay a debt of 4,000l. due from him to his father at the time of his father's decease, by instalments of 200l. per annum, and that he had paid altogether the sum of 2,950l. up to the 31st of March 1800; have you received on the part of the public, or on account of Lord Melville, or Mr. Trotter, any further instalment since that date in discharge of the balance of that debt? I have received neither those instalments, nor any.—Are you aware that a writ of privy seal was issued on the 31st of May 1800, for acquitting Lord Melville of Mr. Jellicoe's deficiency? I have heard so, but have no knowledge of it.—Have you received, subsequent to the 29th of May 1800, any direction from Mr. Trotter or Lord Melville, from the board of treasury, or from any other office or person, any direction to receive such further instalments in discharge of the balance of that debt? I never have.—Did you consider the instructions, under which you originally acted, as superseded by the writ of privy seal for acquitting Lord Melville of Mr. Jellicoe's deficiency? No.—Could you suppose proceedings could have been carried on against Mr. Jellicoe's estate by any other professional person, whilst all the papers with reference to proceedings already had under the extent remained in your hands? Certainly not.—Were the original instructions for the proceedings against Jellicoe's effects such as were usually given in cases of the like nature? The very moment that I had the instruction to issue the extent, I thought it my duty to recover every thing that could be got from the estate of Mr. Jellicoe, and that they were the usual instructions given on similar occasions.—Did the issue of the writ of privy seal prevent your proceeding in the manner which you should have done if no such writ of privy seal had been issued? Certainly not.—Was it explained to you, when the instructions were first given to you, that you was employed in this business, because the solicitor of the admiralty was absent? I believe it was.—Did you understand, that having once began the business, the whole of it was to be left to you, or had you reason to expect that the conduct of it would have been transferred to the solicitor of the admiralty when he returned to London? I thought that it would have been left to Mr. Chamberlain and myself as long as we could go on with it.—Do you recollect how soon after the death of Mr. Jellicoe, any reference was had to the books of Mr. Coutts, his banker, in order to ascertain whether there was in that house any sum of money the property of Mr. Jellico? I do not.

The further examination of Joseph White, esq. taken the 22d of May 1805.

When did you first know of the writ of privy seal having issued? I think not until the enquiry before the naval commissioners took place.—You state that you had sufficient instructions to proceed, but in the former part of your evidence, that you waited for special orders; from whom did you expect to receive such orders; From Mr. Trotter.—Did you understand that he had taken upon himself to examine into the state of the property that was recoverable? Yes, I did understand he had, and had employed people for the purpose.—Was that your reason for not proceeding without his direction? I cannot say that it was.—Did you make any agreement with Mr. Samuel Jellicoe for the payment of 4,000l. by instalments? No, I did not.—Did you consider yourself charged with the duties of receiver with respect to the items of Mr. Jellicoe's estate, or only charged with conducting the law proceedings with respect to the same? Only charged with conducting the law proceedings; I did receive money, but I paid it over as soon as I had received it—Did you consider it your duty to see that the annual payments arising from the estate were regularly discharged? No.—In whose hands did you conceive that duty rested? Mr. Trotter's.—Why did not the sale of the freehold at Gosport take place, and why was the rent of 100l. a year preferred to the actual sale of the premises? It was because I received no special directions for the purpose; and I beg leave to add, that such an order may now be obtained, and the rents be recovered.

The examination of CHARLES BICKNELL, *esq. taken the* 17*th of May* 1805.

Are you solicitor to the admiralty? I am.—Do you in the common course of business manage all legal transactions respecting public money on the part of the admiralty, the navy pay-office, and the different boards attached thereto? I do.—Had you at any time any instructions relative to a writ of extent, and a writ of diem clausit extremum, issued against Mr. Adam Jellico, sometime deputy paymaster of the navy, on the part of the treasurer of the navy, or his paymaster? I believe that transaction took place prior to my being appointed solicitor to the admiralty. I was appointed on the 1st of March 1796.—Who preceded you as solicitor of the admiralty? Mr. Dyson.—Is he dead? No; he resides at Margate.—Did Mr. Dyson deliver to you, upon your appointment as solicitor to the admiralty, all the papers and other documents relative to proceedings instituted by order of any of the public boards with which he was connected, and then pending, touching public money? I believe he did.—Is there in your office any trace of any proceedings against Mr. Adam Jellicoe or his representatives? I believe there is not.—Since your appointment, has any business of that nature been conducted by any person other than yourself, when such business originated in any of the boards for which you are concerned as solicitor? I believe not. Do you know of any of the proceedings against Mr. Jellicoe? No.

The examination of CHARLES INNIS, *esq. taken the* 17*th of May,* 1805.

What is your situation in Scotland? Writer to the signet.—What are the duties of that situation? I act as solicitor, attorney, and conveyancer.—Is it usual, in settling accounts between parties in Scotland, mutually to deliver up or destroy the vouchers or documents upon which such settlement takes place? It is usual mutually to deliver up the vouchers, but not to destroy.—Is it usual in any release that takes place between the parties upon such settlement, to refer in the body of the release, to the vouchers so delivered up or destroyed. The release generally bears, that the vouchers have been mutually delivered up, but nothing said about destroying.—Have you seen a clause of the nature of that contained in the release now in your hand? I have seen a clause bearing that the vouchers have been mutually delivered up, but I never saw one by which it was agreed mutually to cancel and destroy the vouchers.—For what legal purpose is reference in releases introduced to the vouchers having been mutually delivered up? I believe it is more owing to the anxiety of parties than necessary in itself.—Is it to make the release supersede in point of legal effect all preceding instruments? I should think so.—Supposing a release to be executed between parties at the time remote from each other, is it unusual, according to the practice of Scotland, to covenant that that should be done by the parties, namely, that all vouchers should be delivered up or destroyed which is referred to in releases as actually done by parties settling accounts on the spot together? In the case put, there is generally an obligation inserted in the release or discharge, obliging the parties afterwards mutually to deliver up the vouchers.—Under the term vouchers, do you mean to comprehend account books kept by the parties? I do not.—Did you ever know an instance where, upon the settlement of accounts between parties, account books have been delivered up or destroyed by agreement specified? I never did.—Did you ever know an instance where an agent for several parties having kept the accounts of all those parties in one general book, upon the settlement of his account with one of his principals, had either delivered up such general account book to that one principal, or by agreement with that one principal, had destroyed it? I never did.—You say you have seen a clause inserted in a release or releases, drawn according to the Scotch form, in which it is agreed to deliver up vouchers on both sides; in the course of your business do you usually draw them with such clauses? I generally do.—Would not a release be to all intents and purposes as binding upon the parties without such clause, and would not such release continue to be binding, supposing the existence of all the vouchers for the accounts to which such release referred? I think it would.—Is the release in your hand in the Scotch form? It appears to me to be partly in the English and partly in the Scotch form.

The further examination of Charles Innis, esq. taken the 20th of May 1805.

[Delivers in a letter.]—In your letter, you have stated that you wished to add to your evidence, given before this committee, to the words "I never did" (May 17) the following words:—"On recollection, I have known some instances of a factor or steward delivering up his account books to his employer;" do you mean thereby to state that you have known account books kept by an agent, with several employers, to have been delivered up to any one of his employers, on the settlement of his account with such employer? I do not.

The examination of CHARLES SMALL PYBUS, *esq. taken the 17th of May* 1805.

Were you a lord of the treasury in the month of May 1800? I was.—Do you recollect to have been present at a board of treasury on the 29th of May 1800, when a statement was submitted by Mr. Rose to that board of a debt due to the treasurer of the navy by Mr. Adam Jellicoe? I do recollect the circumstances relative to the deficiency of Mr. Jellicoe having come under the consideration of the board; the precise day on which it did so I cannot so clearly recollect; but I take it for granted that a copy of the minute, published in the tenth report, is accurate as to date.—Who prepares the minutes of the treasury board? Sometimes one of the four senior clerks, if the secretaries happen by any accident not to be present.—Is it usual to put down the names of lords who are not present? It is; Mr. Pitt's name, I believe, is often put down in his absence.—Do you recollect who was present at the board when Mr. Jellicoe's case was brought before the lords of the treasury? I so little recollect the circumstances, that the impression upon my mind is at this moment a very general one with respect either to the time or manner when this matter did come before the board at all.—Do you recollect any particular directions having been given by the board for an investigation into the truth of the statement submitted to the board by Mr. Rose on that subject? I have already said, that my recollection in respect to the transaction was a very general one, and I have no recollection of such directions having been given upon the particular day on which I understood that this minute took place. I have no doubt but that Mr. Pitt was present at the board, because it was the day on which it appears, by the minutes, that the commissioners of taxes made their annual report, when Mr. Pitt invariably attended. Mr. Pitt's name is, I presume, occasionally inserted in the minutes as present, if he happens, although not actually in the board room, to be in his own house; so that any matter of a very special nature, upon which the opinion of the first lord of the treasury should be considered as indispensable, might be immediately referred to him; but I believe it was not customary to insert the names of the junior lords if they were not acutually present.—When are the names of the lords present put down? They are put down as the commencement of the proceedings of the day, as soon as the board begins to sit, and if during the sitting any lord should come in, his name is added to the rest, which would account for Mr. Smith's name being the last in the minute referred to, although that gentleman was senior to me in his majesty's commission.—If a lord, whose name is put down at the meeting of the board, should withdraw before the conclusion of it, would it appear on the minutes that he had so withdrawn? I fancy not.

The examination of the right hon. JOHN SMYTH, *taken the 17th of May* 1805.

Were you a lord of the treasury in May 1800? Yes.—Do you recollect to have been present at a board of treasury, held on the 29th of May in that year, to which Mr. Rose submitted a statement of a debt due to the treasurer of the navy, from Mr. Adam Jellicoe? I do not recollect that I was present on that day, but I see by the tenth report I was, and I have no doubt of it.—

Do you recollect any of the circumstances of Mr. Jellicoe's case, or of the issue of the writ of privy seal for acquitting Lord Melville of Mr. Jellicoe's deficiency? I do not; at that time there were annually submitted to the treasury between five and six thousand memorials, and other papers, it will not therefore appear surprising, at this distance of time, that the circumstances of any particular transaction should have escaped my recollection.

The examination of John Marsh, *esq. taken the 20th of May* 1805.

Do you recollect in February, 1797, a victualling bill for 1,000l. drawn from Mr. George Desborough, from Martinique, and payable to T. Marcarty and co. to be presented by Mr. Barclay at the victualling office for payment? I have no other recollection of the circumstance than what is recently come to my knowledge.—State the circumstances? A bill of exchange for 1000l. drawn by Mr. George Desborough, was ordered on the 6th of February 1797, to be accepted from the time it was left, and became due on the 18th of February; on the 9th of February the victualling board wrote for 70,000l. for the payment of bills of exchange, in which sum the bill in question was included; on the 25th of February 47,000l. was received in part of the sum applied for, and on the same day the above bill, with many others, were assigned for payment, and immediately ready for delivery; it was delivered on the 1st of March following to Mr. Barclay, who might have had it, as I am informed, in time for payment, on the 25th of February, had he applied for it. I received this information from the accomptant; I knew nothing of the transaction myself.—Did the accomptant officially report these circumstances for your information as a commissioner of the board? As a commissioner of the board, at my desire; I was not then a member of the board at the time the transaction took place.—Have you ever known payment delayed, or refused, on any victualling bill actually assigned by the commissioners of the victualling board on the treasurer of the navy? No; the bills are never, to the best of my recollection, assigned till we know there are monies ready in the hands of the treasurer of the navy to discharge them.—Have assignments ever been delayed to your knowledge, on account of the want of money in the hands of the treasurer of the navy to cover such assignments? The account which is preparing, in answer to the precept of this committee, directed to the victualling board, will shew what delay has occasionally occurred.

The examination of Abraham Newland, *esq. taken the 20th of May*, 1805.

[Delivers in a paper of the dates of loans of 1795 and 1796.]—Do you recollect at any time to be informed, that lord Melville, as treasurer of the navy, kept his cash at a private banking-house instead of the bank? I certainly knew that the cash, or part of the cash, was removed from the bank to Messrs. Coutts, but the reason for so doing I really cannot tell.—Was it a large part of his cash he kept at his private bankers? I really cannot tell, but I apprehend at some times it must have been very considerable.—Can you form any opinion as to the amount at any particular time? I really cannot.—How did the circumstance come to your knowledge? The clerks of the bank frequently told me, that at the navy pay office they received drafts for the payment of navy bills upon the house of Messrs. Coutts and co. instead upon the bank.—Did you communicate the information you had obtained to any body? I have occasionally mentioned it to the directors.—Do you recollect to which of the directors? I do not; there have been generally several present when I have mentioned it.—Do you recollect any conversation with Mr. Giles, or Mr. Raikes, upon the subject? I do not immediately charge my memory with that.—Do you know how long the practice had prevailed? I do not recollect that; it is a good many years back.—Do you remember being called into the bank parlour, and asked by Mr. Raikes what was your knowledge of this practice? I do not recollect that I was, nor did I ever hear Mr. Raikes speak on this subject till after the tenth report came out: I do not remember that he ever did.—Did you know that a representation of the subject had been made to the chancellor of the exchequer by Mr. Raikes? Mr. Raikes did mention it to me since the tenth report came out.—Did you know it before the tenth report came out? No.—In your opinion, on the 9th of September, 1796, was any of the securities shewn to you in the paper, securities that the bank of England would have discounted? I should have supposed that the bank would have discounted the bills in question, unless some particular circumstance had prevented it; they might have been refused, if the person presenting them had large discounts.—Do you think they were securities, that, generally speaking, were discountable in the money market, or on which money could have been obtained? Yes.—

Do you recollect the distress in the money market in the month of September 1796? I do not.—When you say you suppose these securities could have raised money in the money market, do you speak with reference to the particular distress of the times in the money market in September 1796? I think they are very good securities, and might have found credit if they could have found a house in cash to discount them; if there had been a great pressure, that might have been an impediment—Are the discounts of the bank carried under your direction? No. —Is it a separate department? Yes.

The examination of Sir ANDREW SNAPE HAMMOND, *bart.; taken the 24th of May,* 1805.

Have you known any transfer to take place of monies from one branch of navy service to another? I have not, except in one instance. —State what that instance was? In March 1797, 80,000l. had been issued from the treasury, which had been intended to be equally divided between the navy and the victualling department; but the treasurer having certified 48,000l. and a fraction to the victualling board, and the remainder only to the navy board, the latter wrote to the victualling board to desire they would transfer the overplus of the moiety to the pay branch for seamen's wages, under the direction of the navy board.—Has the treasurer of the navy, of his own authority, any power of making such transfer? Certainly not; and, as a proof of it, if either of the departments require to have balances which stands under the heads of service under their controul, the same is done by a letter from that board.—Was the transfer in question made by the victualling board, upon the application of the navy board to correct what they understood had been an error in the paymaster, in carrying the directions and intentions of the treasury into execution? Yes it was.—Can you describe the manner in which the funds issued to the respective naval branches are regulated and applied by the commissioners of each branch? The paper I now deliver in to the committee will shew the various heads of service under which the accounts are kept, and whenever the boards find the balances under either of the heads of service more than they deem sufficient for the prospective service, they direct the treasurer by letter to transfer specific sums from one head of service to the other; but the treasurer has no authority whatever to take from one balance and carry it to another on his own authority.—Do you mean to state that the transfer takes place by order of the board from one head of service within the same branch to another, or from one branch of naval service to another branch under different commissioners? I mean only a transfer of the heads of service within their own department.—Do you conceive that any one branch would order a transfer to be made to another branch under different commissioners, except in conformity to what they conceive to be the directions and intentions of the treasury in the case of the 4th of March? I do not.—Look at the transfers entered in that book; are they transfers from branch to branch, or are they transfers from one head of service to another within the same branch? The first is a transfer from the victualling branch to the navy pay branch of 8,995l. which I have already mentioned, and is a transfer from one branch to another branch, under different commissioners; the second on the 6th of March, is a transfer from the navy branch to another head within the same department; the third is on the 25th, of 16,000, exactly of the same nature.—From the minute-book of what board is the extract in your hand a copy? From the victualling board.—Did it ever happen during the time that Mr. Trotter was paymaster of the navy, that he made an official and private communication to you, or to any other person with your knowledge, and for your information, or for the information of the board over which you preside, of the real state of balances as contra-distinguished from their apparent state, in order that you might thereby regulate your official communications? It has some times happened, when the different offices have had memorials at the treasury for sums under different heads of service within their departments, the treasury has issued in exchequer bills a certain sum of money to the treasury of the navy for naval services; and I have received a note or message from the secretary of the treasury to request I would divide those sums to the different departments, according to the pressure of their services, or the extent of their memorials. I never in any one instance had any communication, either verbal or by letter, with Mr. Trotter, or any body acting under him, to inform me that the navy board could not at any time draw out the whole of any balance in his hands under any head of service.—Have at any time directions issued by the navy board to the treasurer of the navy, for the issue of certain sums of money for the use of that branch, been recalled in consequence of any private communication from the secretaries of the treasury through Mr. Trotter? Not that I remember.—Have you any recollection of having seen a note, bearing date the 25th of March 1797, treasury chambers," in the following terms: "Mr. Rose presents his compliments to Mr. Trotter, and acquaints him, that as the exchequer bills are at so high a discount, the letter for the 200,000l. on exchequers bills for naval services must be withdrawn, of which circumstance Mr. Rose desires Mr. Trotter will acquaint sir A. Hamond and Mr. Newland to-day;" was you ever informed, to the best of your recollection, of the purport of that note? I have no doubt I was at the time, but it was not in my recollection when I answered the last question—Do you conceive the effect of that note to be to delay an issue from the treasury to the treasurer of the navy, upon a memorial already presented by him, or to contain directions to delay payments for naval service after funds had been issued from the treasury to the treasurer of the navy? I conceive the information desired to be given to me was only for the purpose of being informed that some other mode would be taken to supply the demands than by the issue of exchequer bills, as had been at first intended, and which I conclude was done by an issue of money from the exchequer.—Till such mode was adopted, would there have been any funds in the hands of the treasurer of the navy out of which payments could be made? Doubtless there were, and they were taken from the different heads of service to pay such services as were the most pressing within their department.—Did you in any instance make application for money on account of the navy board by private letter, and was such application complied with?—I have no doubt that I may occasionally have informed the secretaries of the treasury of any particular service that required issues of money to the treasurer of the navy, which had not been complied with, but it must have been chiefly on account of the paymaster of the marines. —Has any money, at any time, been issued upon a private communication only? Most certainly not.—Has any money been issued from the treasurer, without an official application being first made according to the regular form of the office? Never to my knowledge.—Did you ever make application for money which had not been before applied for by public memorial, or unless it was to give notice that it would be applied for by public memorial? Never.—Has the navy board, in any instance, in consequence of any private communication with Mr. Trotter, or any other person, delayed giving any directions for any payment, or any assignment, having at the time a balance standing in the books of the treasurer of the navy? Never. —Was there ever any delay of a letter of direction to the treasurer of the navy, to memorialize the lords of the treasury for the issue of any sums of money for the use of the navy board, in consequence of any private communication with any person? It is possible I may have been requested by the secretaries of the treasury to keep down the demands of the navy as much as possible for a certain time, when money was expected to come into the treasury, and therefore would be more convenient to issue it a few days hence than at the present time.—Did you ever receive such communication from any other person? No.—When money officially applied for has not been immediately issued, have you been in the habit of informing the treasury by private letter of the pressure for any particular service, requesting that the money for such particular service should be first issued or accelerated?—Frequently.

APPENDIX.

Appendix (A.)—*Report of conference with the lords, on the subject of permitting lord Melville to be examined*, 13*th May* 1805. (See vol. 4. p. 00.)

Appendix (B.)—*Letter from Mr. Drummond to the chairman of the committee*; *in explanation of evidence, dated Thursday*, 16*th May*, 1805.

Sir,—In order to prevent any misconstruction which may possibly arise from verbal inaccuracy in my answers of yesterday, I request that the words *for account of* may be understood or inserted in all cases where I have mentioned sums of money as paid or remitted *to* the direction of his Imperial majesty's finances at Vienna. Thus, the payment of 186,000l. and upwards, made in Oct. 1796, was *for account of* the direction of finances at Vienna, but it was made *to* the bank of England for a dividend and charges of management on the impeiral loan.—I also wish to state, in explanation of a question put to me on Monday (page lxxxvi) of my examination, that I perfectly recollect having, in the month of Feb. 1797, signed a bond jointly with Walter Boyd and Paul Benfield, for a sum of 50,000l. undertaken to be paid at Madras, in star pagodas, by Walter Boyd, jun. but I did not recollect that W. Mac Dowall, R. Houston Rae, and A. Houston, were also jointly bound as sureties for the same transaction. I have, however, this morning seen a copy of the bond in question, which satisfies me that they were parties to the same bond, but by no means as partners in the firm of Boyd, Benfield, and co. for which there is not the slightest ground of pretence; they appear to have signed the bond merely as joint sureties to the crown for the performance of Walter Boyd, jun.'s engagement; and I rather suppose that they may have executed it at a different time, particularly the last mentioned gent. Mr. A. Houston, who, I believe, resides in Scotland, and with whom I am unacquainted. I have the honour to be, &c. *Jas. Drummond.*

Appendix (C.)—*Letter from Mr. Innis to the chairman of the committee, in explanation of evidence, dated No.* 18, *Suffolk-street,* 20th *May,* 1805.

Sir,—On examining my evidence yesterday, and reconsidering the questions, I find I have not been so accurate or explicit in my answers as I wished to have been. I therefore hope the committee will have the goodness to permit me to amend and explain them.—In page civ, the words "*but not to destroy,*" to be struck out, and these inserted: "and being delivered up, it is in the power of both, or either of the parties, to preserve or destroy them, as they may think fit."—In the same page civ, the words "*but nothing said about destroying,*" to be struck out, and these inserted: "but does not usually bear, to be destroyed, for the reason assigned in my answer to the last question, namely, that the parties may preserve or cancel the vouchers as they think proper."—In page civ, the answer, "*I believe more,* &c." to be struck out, and the following inserted: "I believe the reason of introducing the clause, and of the vouchers being delivered up, was the anxiety of parties to guard against all after claims and demands that might be made by the one against the other, or by their representatives after their deaths, if the releases should be lost or destroyed."—In page cv, after the words "*I never did,*" to be added: "on recollection, I have known some instances of a factor or steward delivering up his accompt books to his employer."—In page cv, the words, "*I think it would,*" to be struck out, and these inserted: "I do not feel myself very competent to answer this or any similar question involving a point of law. I still, however, think it would; but if the releases were lost, or destroyed by accident, and the vouchers in existence not delivered up, the vouchers might be made the foundation of a claim or demand by the party disposed to take advantage of the circumstance, or by his representative."—Lastly, in farther explanation, I wish it to be added: "I know it is the practice of some people in Scotland to destroy the checks or vouchers of the accompt with their bankers, after the accompt is settled. I have done so myself."—It will be obliging, if you will desire the clerk to make the above amendments or explanations, or if the committee will allow me to do it in their presence. I am sorry to give you, sir, this trouble, but I am anxious that the answers which have occurred to me, on a more attentive consideration of the questions, should appear on the face of the minutes. I have the honour to be with very great respect, &c. *Chas. Innis.*

Appendix (D.)—*Letter from the commissioners of the navy to the chairman, concerning books and documents respecting bills due,* &c. *dated Navy-office,* 14*th May,* 1805.

Sir,—In answer to the precept of the hon. the committee of the house of commons of yesterday's date, we have the honour to state to you, for the information of the committee, that there are no books or documents in this office which shew that any bills, due at any time, have been delayed either to be paid, or to be assigned for payment from the want of money in the hands of the treasurer. We are, sir, &c.

A. S. Hamond, F. J. Hartwell, H. Legge.

Appendix (E.)—*Extract from the cash book of Boyd, Benfield, and co.*

Appendix (F.)—*Writs of privy seal, from the year* 1760 *to the present time, for passing and auditing of public accounts, and for discharging of accountants, dated Privy Seal Office,* 18*th May* 1805.

George Grenville, esq. Accounts to be passed.	His majesty's warrant to the commissioners of the treasury, chamberlains, and barons of the exchequer, and to the auditors of the imprest now and for the time being, and to all other officers of the exchequer, to pass and audit the accounts of George Grenville, esq. treasurer of the navy, of all sum and sums of money which he hath received, or shall receive, for the service of his majesty's navy royal and marine affairs, notwithstanding any preceding accounts of former treasurers may not be passed; and the commissioners of the navy are to examine the ledger books of the said accounts, and, if need be, to correct the same, and subscribe every page thereof which shall be allowed by the auditors and other officers of his majesty's exchequer. Dated May 1761.
Lord Barrington. Accounts to be passed.	A similar warrant for lord Barrington's accounts to be passed. Dated 15th July 1762.
Lord Howe. Accounts to be passed.	A similar warrant for lord Howe's accounts to be passed. Dated 4th Dec. 1765.

Sir Gilbert Elliot, bart. Accounts to be passed.

A similar warrant for sir Gilbert Elliot's, bart. accounts to be passed. Dated April 1770.

Welbore Ellis, esq. Accounts to be passed.

A similar warrant for Welbore Ellis, esq.'s accounts to be passed. Dated 12th July 1777.

The right hon. Isaac Barré. Accounts to be passed.

A similar warrant for the right hon. Isaac Barré's accounts to be passed. Dated May 1782.

Henry Dundas, esq. Accounts to be passed.

A similar warrant for Henry Dundas, esq.'s accounts to be passed. Dated 10th Oct. 1782.

Right hon. Chas. Townshend. Accounts to be passed.

A similar warrant for the right hon. Charles Townshend's accounts to be passed. Dated April 1783.

Henry Dundas, esq. Accounts to be passed.

A similar warrant for the said Henry Dundas, esq.'s accounts to be passed. Dated 28th Jan. 1784.

Lord Grenville, to be discharged from a certain sum issued to him for secret service.

His majesty's warrant to the commissioners of the treasury, chamberlains, and other officers of the exchequer, now and for the time being, to exonerate and discharge William Wyndham lord Grenville, his executors, administrators, and assigns, of and from the sum of 2,036l. 7s. 6d. part of the sum of 5,363l. issued to him from the exchequer for secret service abroad, but which never came to his hands, William Vernon, the person usually employed to receive monies at the exchequer, having absconded therewith. Dated 31st Jan. 1800.

Right hon. Henry Dundas. Discharge.

His majesty's warrant to the commissioners of the treasury, chancellor, and under treasurer, chamberlains, and other officers and ministers of the exchequer, now and for the time being, directing and commanding that the right hon. Henry Dundas, treasurer of the navy, his executors, administrators, and assigns, be exonerated and discharged from accounting for the sum of 24,846l. 6s. 6½d. due from the late Adam Jellicoe to the public. Dated 21st May 1800.

Appendix (G.)—*Half-pay to officers of his majesty's navy, paid in the second treasurship of lord Melville. New account.*

Appendix (H.)—*A list of the dates of the payments on the loan negociated in Nov. or Dec. 1795, and of the loan negociated in April 1796.*

Appendix (I.)—*Release between lord Melville and Mr. Trotter, Feb.* 1803.

To all and sundry to whom these presents shall come: we the right hon. Henry Baron Dunira lord viscount Melville, some time treasurer of his majesty's navy, and Alexander Trotter, esq. of Dreghorn, paymaster of his majesty's navy, send greeting. Whereas, for several years past, there have been sundry accounts, reckonings, and money transactions depending between us, the account of which have lately been examined, adjusted, and agreed upon between us, and upon such examination, settlement, and adjustment, there remained a balance due from the said Alexander Trotter to the aforesaid lord viscount Melville, of 1,580l. 11s. 1d. sterling money, with which final examination, statement, and adjustment, both parties declare themselves perfectly satisfied, and do hereby approve of and ratify the same: and they have either mutually delivered up to each other, or resolved and agreed mutually to cancel and destroy all the vouchers or other memorandums and writings, that at any time heretofore may have existed, passed, or been interchanged between them relative to the said accounts, and the different items and articles of which the said accounts are composed or consist; and they have further resolved and agreed, mutually to release and discharge each other up to the day of the date of these presents, for now and ever: therefore, the aforesaid right hon. Henry lord viscount Melville, for and in consideration of what is above mentioned, and also for and in consideration of the sum of five shillings of lawful money of Great Britain to him in hand well and truly paid by the aforesaid Alexander Trotter, the receipt whereof he doth hereby acknowledge; hath, under the reservation and saving hereinafter-mentioned, remised, released, and for ever dischaged, and doth by these presents, for himself, his heirs, executors, administrators, and successors whatsoever, remise, release, and for ever discharge the aforesaid Alexander Trotter, his heirs, executors, administrators, and successors whatsoever, of and from all and all manner of action and actions, cause and causes of action and actions, suits, debts, dues, sum and sums of money, accounts, reckonings, bonds, bills, notes, specialties, covenants, contracts, controversies, agreements, promises, variances, damages, judgments, extents, executions, claims and demands whatsoever, in law and equity, which against the said Alexander Trotter he, the said lord viscount Melville, ever had, now has, or which he, his heirs, executors, administrators, or successors hereafter can, shall, or may have, for, upon, or by reason of any matter, cause, or thing whatsoever, from the beginning of the world to the day of the date of these presents; saving nevertheless, and reserving from the above-mentioned release and discharge, and the effect thereof, the aforesaid sum of 1,480l. 11s. 1d. which the aforesaid Alexander Trotter doth hereby acknowledge to be due and owing from him to the said lord viscount Melville, as the balance on the aforesaid accounts so settled and adjusted between the said lord viscount Melville and him the said Alexander Trotter, as is above-mentioned: and he the aforesaid Alexander Trotter, for and in consideration of what is above-mentioned, and also for and in consideration of the sum of five shillings of lawful money of Great Britain to him in hand well and truly paid by the aforesaid Henry lord Viscount Melville, the receipt whereof he doth hereby acknowledge, hath remised, released, and for ever discharged, and by these presents doth for himself, his heirs, executors, administrators, and successors, remise, release, and for ever discharge the aforesaid lord viscount Melville, his heirs, executors, administrators, and successors whatsoever, of and from all and all manner of action and actions, cause and causes of action and actions, suits, debts, dues, sum and sums of money, accounts, reckonings, bonds, bills, notes, specialties, covenants, contracts, controversies, agreements, promises, variances, damages, judgments, extents, executions, claims, and demands whatsoever, in law and equity, which against the said lord viscount Melville, he, the said Alexander Trotter, ever had, now has, or which he, his heirs, executors, administrators, or successors, hereafter can, shall, or may have, for, upon, or by reason of any matter, cause, or thing whatsoever, from the beginning of the world to the day of the date of these presents: and the said Alexander Trotter doth hereby testify, acknowledge, and declare, and that notwithstanding any thing hereinbefore contained, he doth still remain indebted and owing to the aforesaid Henry lord viscount Melville in the sum of 1,480l. 11s. 1d. of lawful money of Great Britain, being the balance of the accounts finally settled and adjusted between him and the said lord viscount Melville, as hereinbefore is mentioned; and both the parties aforesaid consent to the registration hereof in the books of council and session in Scotland, therein to remain for preservation, or, if necessary, that all due and ordinary execution may be directed hereon; and for that effect they constitute

their procurators. In witness whereof, these presents, written on this and the two preceding pages of paper, duly stamped by Thomas Doige, clerk to Messrs. Spottiswoode and Robertson, of Sackville-street, in the liberty of Westminster, are subscribed by the said parties, and to this last page they have hereunto respectively set and affixed their seals, as follows; viz. by the right hon. Henry viscount Melville, at Melville castle, in the county of Mid Lothian, on the 18th day of of February, in the year of our lord 1803, before these witnesses, Thomas Pocknall, and Thomas Mathews, both his servants; and by the aforesaid Alexander Trotter, at London, on the 23d day of February, in the year of our Lord 1803, before these witnesses, Thomas Wilson, of the navy pay office, London, esq. and John Spottiswoode, jun. of Sackville-street aforesaid; the place, date, witnesses names, and designation to the execution hereof by the said Alexander Trotter, being inserted by the said John Spottiswoode, jun.—Signed, sealed, and delivered by the said Henry lord viscount Melville (being first duly stamped) in the presence of us, witnesses thereto, MELVILLE. (L.S.)

Thomas Pocknall. ALEX. TROTTER.
Thomas Mathews. (L.S.)

Signed, sealed, and delivered by the said Alexander Trotter (being first duly stamped) in the presence of us, witnesses thereto.

Thomas Wilson, John Spottiswoode.

Appendix (K.)—*An extract from the books of the bank of England of all drafts paid to the order of Alexander Trotter, esq. as paymaster of the navy pay office, dated in the months of August, September, and October* 1796.

Appendix (L.)—*Account of money, &c. received and paid by the treasurer of his majesty's navy, on the head of* "Victualling," *from the 1st to the 14th of April* 1805.

Appendix (M.)—*Receipts and payments between the 1st and 31st January* 1798; *the right hon. Henry Dundas, treasurer.*

Appendix (N.)—*Treasury minute, respecting paymaster and treasurer of the navy, Friday 3d March* 1797.

Appendix (O.)—*Scheme. Applicable balances in the hands of the treasurer of the navy.*

Appendix (P.)—*Letter from the commissioners of victualling, introducing the three following accounts; of victualling bills which became due in* 1796, 1797, *and* 1798, *but which were not paid on the days they respectively became due, dated Victualling Office, 20th May* 1805.

Appendix (P. 1.)—*An account of* VICTUALLING BILLS *which became due in the year* 1796, *but which were not paid on the days they respectively became due, on account of their not being assigned for want of money; shewing the amount of each bill, the day on which it was due, the day on which it appears money was received for its payment, and the day on which the assignments for payment took place. Dated Victualling Office, 20th May* 1805.

Amount of BILLS.			When Due.	Money Recd.	Assig. for Payt.
£.	s.	d.	1796.		
1,234	14	7	3 June	6 June	9 June
1,219	6	9	4 May	7 May	10 May
318	6	4	5 —		
400	—	—	4 —		
32	6	—	2 —		
69	10	—			
36	—	3	3 —		
21	10	—			
100	1	11	5 —		
21	—	6	2 —		
13	10	—	5 —		
8	17	—			
6	—	—			
6	12	—			
3	—	—			
10	13	—			
12	12	—			
9	6	—			
3	—	—			
10	18	—	4 —		
217	10	—			
31	—	—	3 —		
23	8	—			
3	3	—	5 —		
13,848	17	5	5 June	6 June	8 June
200	—	—	24 Nov.	10 Dec.	12 Dec.
9	15	2	2 Oct.	5 Oct.	7 Oct.
17	12	6	1 —		
54	13	—	2 —		
131	10	—	1 —		
35	—	—	2 —		
52	—	—			
44	—	—			
10	12	—			
20	6	3			
13	10	—			
5	16	—			
10	10	—			
15	8	—			
83	6	8	3 —		
70	7	6			
44	16	—	4 —		
70	—	—			
60	—	—			
28	4	8			
14	2	4	1 Oct.		
40	5	2	2 —		
22	9	9			
34	10	—			
36	6	—			
12	2	8	4 —		
70	—	—			
106	—	—	3 —	5 Oct.	7 Oct.
8	17	10			
1,000	—	—	1 —		
500	—	—	3 —		
332	6	9	4 —		
188	18	1			
304	18	8			
8	19	1			
37	12	6	13 Dec.	24 Dec.	26 Dec.
94	12	11			
20	18	—			
35	11	—			
120	—	—			
216	8	—			
23	8	—			
85	1	7	15 —		
297	6	4	18 —		
15	6	2	17 —		
163	12	6	18 —		
27	1	2	17 —		
9	13	4			
15	15	4	15 —		
67	10	—	17 —		
5	16	—	15 —		
7	5	—			
14	10	—			
31	7	2	17 —		
64	14	—			
23	6	8			
144	—	—	15 —		
70	—	—	17 —		
320	6	1	14 —		
10	5	5	17 —		
51	11	8			
38	4	—	15 —		
80	—	—	14 —		
165	8	—			
68	2	10	17 —		
76	13	—			
83	2	3			
7	15	6	18 —	24 —	26 —
94	11	10	17 —		
495	—	—			
288	11	—	15 —		
195	18	—	18 —		
707	15	8			
58	10	8	8 —	10 —	12 —
16	9	7	7 —		
31	5	—	11 —	24 —	26 —
8	—	—	5 —	10 —	12 —

Amount of BILLS.			When Due.	Money Recd.	Assig.forPayt.
£.	s.	d.	1796.		
101	15	4	20 Dec.	24 Dec.	26 Dec.
384	8	4	19 —		
17	8	—			
11	13	4			
63	12	—	21 —		
19	15	—	19 —		
25	14	3			
1,000	—	—	21 —		
1,000	—	—			
500	—	—	11 —		
15	15	—	19 —		
37	2	9			
2,500	—	—	18 —		
2,000	—	—			
1,500	—	—			
1,200	—	—			
900	—	—			
851	6	—			
300	—	—			
1,100	—	—			
700	—	—			
16	7	9			
747	9	3	22 —		
105	—	—	15 —		
71	12	9			
23	16	8	18 —		
19	16	—			
70	4	3	17 —		
57	10	—			
70	—	—	15 —		
12	2	8	17 —	24 —	26 —
26	11	—	14 —		
26	6	—			
140	—	—	22 —		
44	9	—			
148	11	1			
204	1	3			
129	1	3	9 —		
10	10	—	19 —		
26	12	—	20 —		
7	—	—			
20	—	—	19 —		
22	—	—	21 —		
655	10	—	18 —		
68	6	8	21 —		
2,398	11	2	7 —	10 —	12 —
60	—	—	22 —	24 —	26 —
				24 —	
20	6	3	4 Jan.	{ 8 5 3 12 1 —	{12 Jan.
				12 Jan.	
239	16	9			
72	—	11	17 Dec.	24 Dec.	26 Dec.
210	11	10	11 Jan.	12 Jan.	12 Jan.

Appendix (P. 2.)—*An account of* VICTUALLING BILLS *which became due in the year* 1797, *but which were not paid on the days they respectively became due, on account of their not being assigned for want of money; shewing the amount of each bill; the day on which it was due; the day on which it appears money was received for its payment; and the day on which the assignments for payment took place. Dated Victualling Office,* 20*th May* 1805.

Amount of BILLS.			When Due.	Money Recd.	Assig.forPayt.
£.	s.	d.	1797.		
				24 Dec.	
20	6	3	4 Jan.	{ 8 5 3 12 1 0	}13 Jan.
				12 Jan.	
100	—	—	10 —	12 —	
67	10	—	11 —		
38	12	—			
210	11	10			
173	11	2	23 Dec.		
16	—	—	10 Jan.		
8	8	—	11 —		
8	—	—	10 —		
100	—	—			
801	—	—	15 Feb.	25 Feb.	25 Feb.
960	—	—			
46	5	—			
2,555	—	5			
1,239	15	11	12 —		
99	4	—			
7	4	—	13 —		
343	4	—	12 —		
16	12	—	11 —		
20	5	3			
28	2	—			
71	17	6			
9	8	2			
149	6	8	11 Jan.	12 Jan.	13 Jan.
744	16	9	13 Feb.	25 Feb.	25 Feb.
9	19	5			
65	15	7	14 —		
45	13	—	15 —		
24	4	—			
45	13	—			
110	—	—			
22	5	—			
48	2	6			
70	4	—			
15	11	—			
5	12	9			
72	9	2			
52	10	—	16 —		
3	15	6			
5	—	—			
1,257	10	—	21 —	25 —	25 —
481	18	4	20 —		

Amount of BILLS.			When Due.	Money Recd.	Assig. for Payt.
£.	s.	d.	1797.		
401	14	9	18 Feb.		
2,000	—	—	20 —		
2,000	—	—			
300	—	—			
757	10	—	21 —		
1,000	—	—	20 —		
67	7	9	22 —		
27	12	—	23 —		
107	8	1			
32	19	9			
8	14	—	22 —		
244	19	—			
56	—	—			
31	—	—	20 —		
21	5	—	21 —		
34	10	8			
29	2	5			
16	2	8			
29	4	—			
32	10	4			
72	1	8	22 —		
57	10	—	14 —		
38	—	—	16 —		
180	—	—	12 —		
1,051	10	—	22 —		
9	6	6	12 —		
8	18	6	15 —		
12	—	—	13 —		
12	—	—	15 —		
24	—	—	16 —		
85	3	2	23 —		
89	18	2			
49	6	4	22 —		
4,791	—	1	20 —		
2,826	2	3			
1,238	12	—	4 Mar.	10 Mar.	11 Mar.
276	1	5			
5,538	12	11			
677	9	8			
270	15	2	4 Feb.	25 Feb.	25 Feb.
4,203	18	8			
673	—	—			
416	15	—			
766	4	—	9 Mar.	10 Mar.	11 Mar.
5,982	4	—			
61	1	4			
66	1	6	19 Feb.	25 Feb.	25 Feb.
10	—	—	23 —		
22	—	—	22 —		
12	—	—	23 —		
14	—	—	22 —		
100	—	—	23 —		
1,000	—	—	18 —	25 —	25 —
372	—	—	17 —		
29	6	—	18 —		
48	12	—			
18	12	4			
20	—	—			
10	13	8			
63	—	—	19 Feb.		
37	12	6			
33	11	9			
8	17	4			
37	16	—			
17	5	—			
21	16	—			
21	16	—	20 —		
12	15	—	19 —		
12	12	—			
1,245	9	—	12 —		
1,470	—	—	18 —		
500	—	—	16 —		
473	8	7	14 —		
133	6	8	16 —		
86	18	9			
21	3	6			
70	—	—			
70	—	—			
41	18	1			
150	6	8			
75	—	—			
36	—	—			
34	2	6	18 —		
20	2	2			
42	19	6			
32	9	—			
19	15	—			
55	12	4			
50	3	4			
14	13	—	19 —		
149	6	8			
27	12	—			
66	14	6			
77	—	—	20 —		
103	—	—	19 —		
14	2	4			
74	19	9			
51	9	—			
206	—	—			
10	10	—			
28	2	—			
84	11	4			
49	16	—			
28	9	8			
59	15	—			
150	—	—			
225	3	6	19 —	25 Feb.	25 Feb.
278	10	10			
203	9	—	20 —		
23	1	7			
1,000	—	—	16 —		
1,000	—	—			
362	—	—	20 —		
500	—	—	18 —		

Amount of BILLS.			When Due.	Money Recd.	Assig. for Payt.
£.	s.	d.	1797.		
1,000	—	—			
36	15	—	19 Feb.		
14	15	7			
28	10	4			
20	—	—	20 —		
220	9	3			
312	6	—			
12	—	—	19 —		
1,354	5	—	11 Mar.	21 Mar.	22 Mar.
1,999	10	1			
360	—	—			
168	—	—	12 —		
292	—	—			
70	—	—			
114	10	6			
525	5	10			
103	7	7	14 —		
4	11	6	15 —		
74	1	8	12 —	7 April	10 April
60	19	5	– –	21 Mar.	22 Mar.
120	8	—			
78	18	9			
109	4	3			
42	—	—	13 —		
18	13	1	– –	7 April	8 April
27	10	—	14 —		
53	19	—	12 —	21 Mar.	22 Mar.
7	10	—			
37	10	—			
4	1	—	13 —	7 April	8 April
27	12	6	15 —		
1,165	10	—	12 —	21 Mar.	22 Mar.
194	3	10	13 —	7 April	10 April
12	17	1	– –	21 Mar.	22 Mar.
309	2	3	– –	7 April	10 April
60	—	—	– –	– –	8 —
83	9	1	13 —	21 Mar.	22 Mar.
94	16	—	14 —		
6	10	—	15 —	7 April	10 April
2,000	—	—	12 —	7 —	8 —
190	2	6	13 —	– –	10 —
85	18	6	14 —	21 Mar.	22 Mar.
99	—	4	16 —	7 April	8 April
13	17	—			
63	14	—	15 —	– –	10 —
10	10	—	16 —	– –	8 —
15	12	—	28 Feb.	10 Mar.	11 Mar.
20	—	—			
23	9	—	1 Mar.	21 —	22 —
75	—	—	2 —	10 —	11 —
71	18	—	5 —		
8	2	6			
24	3	9			
52	—	—			
21	2	3	6 —		
39	13	6	12 —	21 —	22 —
39	13	6			

Amount of BILLS.			When Due.	Money Recd.	Assig. for Payt.
£.	s.	d.	1797.		
39	13	6			
39	13	6			
10	—	—	11 Mar.	7 April	8 April
97	1	6	– –	21 Mar.	22 Mar.
16	16	—	12 —		
52	—	—	28 Feb.	10 —	11 —
12	—	—	13 Mar.	7 April	8 April
29	4	10	– –	– –	10 —
13	—	—			
21	—	—			
300	—	—	11 May	12 May	15 May
594	3	4			
250	—	—			
326	—	—			
144	—	—	21 Mar.	7 April	8 April
72	—	—	20 —	22 —	24 —
13	17	8	– –	21 Mar.	22 Mar.
24	8	—			
20	—	—			
72	6	—			
14	13	—			
18	5	7	– –	7 April	10 April
54	12	—	19 —	– –	8 —
111	3	—			
14	8	8			
61	3	9			
68	10	—	– –	21 Mar.	22 Mar.
49	8	6	20 —		
110	5	4	19 —	7 April	8 April
38	7	—	20 —	21 Mar.	22 Mar.
220	15	10			
113	11	3			
800	—	—			
84	6	4			
82	19	—	19 —		
37	12	6			
40	5	—			
8	18	6	14 —		
56	14	—	20 —		
240	—	—			
10	3	8			
37	16	—			
106	—	—			
26	—	—	20 —		
37	16	—	19 —	7 April	8 April
67	10	3	21 —		
51	19	7	23 —		
163	5	3	21 —		
143	15	4			
563	19	5			
30	19	2	23 —	– –	10 —
31	3	6	25 —		
182	2	6			
23	4	6			
15	—	—	23 —	22 —	24 —
32	10	—	25 —	7 —	8 —
14	2	—			

Amount of BILLS.			When Due.		Money Recd.		Assig. for Payt.	
£.	s.	d.	1797.					
16	9	—						
12	15	—						
50	—	—	22	Mar.	–	–	10	April
14	13	4	23	—				
25	19	9	22	—				
168	10	8	21	—				
83	13	3						
54	12	5	25	—				
35	10	—	–	–	–	–	8	—
171	15	—						
93	6	8	26	—				
60	4	6	–	–	–	–	10	—
89	6	—	27	—				
15	—	—	–	–	–	–	8	—
4	16	—	–	–	–	–	10	—
23	8	—	–	–	–	–	8	—
53	10	8	–	–	–	–	10	—
1,978	8	6	26	—	22	April	24	—
500	—	—	27	—	7	—	8	—
400	—	—						
500	10	2	28	—				
36	15	—	2	April				
39	13	6	23	Mar.				
10	10	—	25	—				
13	—	—	23	—				
100	—	—	21	—				
500	—	—	29	—				
500	—	—						
500	—	—						
26	12	10	1	April				
4	16	—						
2,061	17	2	4	—				
472	13	6	2	—				
85	18	6	3	—				
8	17	2	4	—	–	–	20	—
26	9	—	3	—	–	–	10	—
41	8	4						
859	12	4	2	—	–	–	8	—
701	11	7						
10	10	—						
33	11	4	2	—				
42	5	—	3	—	–	–	10	—
1,237	10	—	4	—	–	–	11	—
371	5	—	3	—	22	—	24	—
5,165	7	6	6	—	7	—	8	—
1,103	2	2						
3,066	19	9						
567	8	8						
500	—	—						
6	—	—	5	—				
18	4	—	28	Mar.	–	–	10	—
13	—	—	29	—				
61	4	—	5	April				
79	7	—	6	—				
30	2	—	29	Mar.				
7	1	8	30	—				
15	12	6	1	April				

Amount of BILLS.			When Due.		Money Recd.		Assig. for Payt.	
£.	s.	d.	1797.					
31	7	—	5	April				
97	16	5	4	—				
69	19	11	11	—	22	April	24	April
16	2	—	15	—				
6	—	—	5	—				
390	11	3						
588	—	—	15	—				
114	11	4						
285	—	—						
12	—	—	11	—	22	—		
17	10	—	16	—				
1,000	—	—	15	—				
393	1	—	19	—				
5	13	6	20	—				
69	—	9						
40	—	6	18	—				
13	5	—	6	—				
31	7	—	19	—				
76	8	10	16	—				
17	8	—	20	—				
648	19	—	30	—	12	May	13	May
121	3	4	29	—	3	—	5	—
24	2	—	30	—				
29	8	7	29	—				
80	15	9						
181	6	8						
18	6	11						
100	—	—						
22	12	1						
191	15	4						
291	14	1						
28	4	8						
28	4	8						
86	2	0						
14	—	—	1	May	12	—	13	—
14	2	—	29	April	3	—	5	—
76	8	5						
16	7	8						
19	15	—						
162	10	—						
5	5	—						
65	3	11						
111	11	—						
130	18	—						
21	16	6						
145	—	—						
195	15	—						
103	—	—						
22	3	8	30	—	12	—	13	—
14	2	4						
6	—	—						
16	14	7						
1	5	—						
14	2	4						
19	15	—	1	May				
12	—	—	17	April	3	—	5	—
52	11	—	29	—				

Amount of BILLS.			When Due.	Money Recd.	Assig.forPayt.
£.	s.	d.	1797.		
29	14	7	29 April	3 May	5 May
14	10	8			
9	18	—			
78	8	8			
110	—	—			
700	—	—	2 May	12 —	13 —
500	—	—	29 April		
27	12	—	– –	20 —	27 —
121	7	9	– –	3 —	5 —
11	12	9	2 May	12 —	13 —
81	17	—			
23	13	8	3 —		
27	10	5			
71	15	8			
19	3	2			
234	15	5			
621	—	—			
16	1	—			
10	—	—			
25	—	—	4 —		
80	19	4			
32	25	5			
31	10	—			
38	11	6	6 —		
62	5	6			
37	6	8			
8	15	—			
50	3	4			
500	—	—			
758	16	—			
24	—	—			
31	—	—			
114	11	—	7 —		
48	2	11			
4	19	—			
45	18	—			
29	17	8			
40	3	—			
25	3	—	8 —		
419	10	3			
178	10	—			
321	18	—			
700	—	—			
65	12	6			
87	10	—			
43	15	—			
149	15	—			
22	4	6			
27	10	4			
103	5	—			
72	6	—			
20	—	—			
37	6	2	9 —		
23	16	8	2 —		
432	4	—			
81	11	6	3 —		
59	5	4			

Amount of BILLS			When Due.	Money Recd.	Assig.forPayt.
£.	s.	d.	1797.		
100	—	—	4 May	12 May	13 May
534	—	—	7 —		
548	11	5			
46	10	7			
64	1	—			
28	3	6	9 —		
64	16	—			
3	13	6			
5	5	—			
2	16	—			
35	15	6			
18	12	4			
12	—	—	10 —		
27	4	6	9 —		
41	5	—	10 —		
1,000	—	—	7 —		
600	—	—	9 —		
400	—	—			
500	—	—			
40	—	—	5 —		
206	10	—			
50	—	—			
75	12	—			
31	4	4	6 —		
21	17	6			
35	17	7	8 —		
23	2	—	6 —		
10	3	—	8 —		
37	12	6			
10	10	—			
10	10	—			
10	10	—			
1,367	6	11	15 —	18 —	19 —
15	1	3			
69	16	8			
33	—	—			
63	—	9			
6	5	—			
58	11	9			
17	18	—			
619	8	6			
4	15	—	16 —		
33	18	9	17 —		
17	12	—	16 —		
35	—	—	14 —		
480	—	—	15 —		
80	—	—	16 —		
550	—	—	20 June	22 June	24 June
64	10	—			
71	18	—	3 Aug.	4 Aug.	5 Aug.
10	—	—			
196	—	—	10 —	11 —	12 —
417	15	10			
43	13	3			
7	6	—			
2	19	6			
3	11	9			

Amount of BILLS.			When Due.	Money Recd.	Assig.forPayt.
£.	s.	d.	1797.		
6	12	—	10 Aug.	11 Aug.	12 Aug.
3	—	—			
3	—	—			
59	5	4			

Appendix (P. 3.)—*An account of* VICTUALLING BILLS *which became due in the year* 1798, *but which were not paid on the days they respectively became due, on account of their not being assigned for want of money; shewing the amount of each bill; the day on which it was due; the day on which it appears money was received for its payment; and the day on which the assignments for payment took place. Dated Victualling Office,* 20*th May* 1805.

Amount of BILLS.			When Due.	Money Recd.	Assig.forPayt.
£.	s.	d.	1798.		
563	4	3	8 April	20 April	21 April
100	—	—	19 —		
312	4	—	26 — 44 2 7 268 1 5	20 April 5 May	7 May
59	16	—	28 —	5 —	
10	2	1			
44	2	4			
44	2	9	23 —		
24	7	6	28 —		
119	3	6			
10	4	0			
50	3	3	29 —		
23	3	8			
30	12	—			
65	4	6			
21	3	6			
43	10	5			
600	—	—			
4	10	—	30 —		
3	—	—			
10	10	—			
1,000	—	—			
1,000	—	—			
1,000	—	—	30 —		
1,636	8	4	25 —		
300	—	—	26 —		
10	10	—	30 —		
1,650	—	—	5 May	8 —	9 —
2,500	—	—			
500	—	—	7 —		
500	—	—			
500	—	—			
£.	s.	d.	1798.		
1,620	—	—	5 May	8 May	9 May
500	—	—	7 —		
500	—	—	5 —		
500	—	—			
500	—	—			
500	—	—			
500	—	—			
1,000	—	—	7 —		
500	—	—			
1,000	—	—	5 —		
1,000	—	—			
4,000	—	—	7 —		
500	—	—			
500	—	—			
500	—	—	5 —		
500	—	—	7 —		
500	—	—			
500	—	—			
500	—	—			
500	—	—			
1,000	—	—	5 —		
1,000	—	—	7 —		
4,000	—	—			
1,000	—	—			
1,000	—	—			
1,000	—	—			
4,000	—	—			
2,000	—	—			
57	—	—	5 —		
8	14	—			
42	10	—			
37	12	6			
49	13	1			
23	13	11			
42	14	2	6 —		
84	5	3			
8	2	—			
116	4	3			
85	18	6			
60	11	8			
22	18	6			
30	5	—			
29	7	10			
79	9	7			
118	2	—			
2,000	—	—			
32	4	6	7 —		
94	11	6			
96	4	10			
89	7	10			
113	16	6			
7	19	8	5 —		
16	15	—			
10	—	—			
2,283	8	7	6 —		

REPORT FROM THE SELECT COMMITTEE UPON THE ELEVENTH NAVAL REPORT, &c.—*Ordered to be printed 24th June 1805.*

The Select Committee to whom the Eleventh Report of the commissioners of Naval Enquiry respecting, The issue of navy bills for the purpose of raising money; loss arising from the mode of paying the interest on navy and transport bills; and money impressed by the navy board for secret naval services (except so far as the same relates to circumstances connected with the issue of 100,000l. for secret naval services) was referred;—have agreed upon the following report.

YOUR committee have taken into consideration the matters in the eleventh report of the commissioners of naval enquiry, referred to them, in the order in which they are stated in the report; and have called for and examined such persons and documents, as they thought necessary for the elucidation of the transactions, concerning which it was their duty to report to the house.—They insert in the minutes and appendix hereunto annexed, the whole of the parole evidence given before them, including, both the questions put to the persons examined, and their answers, and also, copies of such written documents laid before them, as seemed material for the consideration of the house.—In submitting this body of evidence to the house, it seems to them that they discharge, in the most effectual and satisfactory manner, the most essential part of their duty; but they have also thought it proper to introduce that evidence with the following statement, relative to the three heads of investigation contained in the said report of the commissioners of naval enquiry.

I. With regard to the first head, intituled in the eleventh report, "issue of navy bills for the purpose of raising money:" It appears that the supplies granted by parliament for the service of the navy in the beginning of the year 1800, founded on the usual estimates, amounted to the sum of 13,256,579l. 13s. 11d. and in the beginning of 1801 to the sum of 16,429,537l. 0s. 2d.—It is the custom of the navy board to collect, from the different departments to which the expenditure for naval services belongs, about the month of September in each year, materials for the purpose of enabling them, by accounts of the outstanding demands, and computations of the farther expences likely to be incurred during the remaining part of the year, to form a comparison between the aggregate amount of such outstanding demands, and of those likely to accrue, on the one hand, and the balance which may then remain unexhausted of the sum granted for the naval supplies of that year, on the other hand; and the comptroller of the navy, at the end of that month, communicates the particulars and result of this comparison to the treasury; in order, in case such balance should appear to fall short of the necessary or expected disbursements, that means may be used for making good the deficiency.—About this period of the year 1800, it appeared that the sums remaining unapplied of the grants for naval services for that year, amounted only to 3,433,023l.; and it was computed that the demands outstanding, or to accrue before the end of the year, would probably amount to an excess beyond that sum, of 2,500,000l. The excess, in fact, did amount to 1,522,589l. 6s. 10½.—A considerable part of the outstanding demands of course consisted of navy bills, which, under the law as it now stands, are made payable ninety-days after their date. Of the accruing demands, many were such as must be paid for in ready money. If the remaining balance of the naval supplies of the year had been applied to pay off the navy bills then becoming due, there would not have been cash left for the necessary payments in ready money.—Parliament was not then sitting. It had been prorogued on the 29th of July to the 7th of October, and on that day to the 11th of November, when it met for the dispatch of business.—If application had then been made to the house of commons for a new grant in aid of the deficiency in question, the money could only have been obtained by a loan, or by the issue of exchequer bills under a vote of credit.—It appears that the regulation established under the act of the 37th Geo. III. c. 26. limiting the term of payment of navy bills to ninety days*, had been adopted with a view to remedy the great disadvantage which had accrued to the public during the later period of the time, when their term of payment was fifteen months, under the previous act of 43 Geo. III. c. 21.; for at that period, owing to the great augmentation of our naval expenditure, those bills having been issued to a very large extent, had been depreciated so much that they could not be discounted, or converted into cash, without a loss sometimes of 14l. per cent. or more. The fifteen-months bills bore an interest of only 4l. per cent.—This evil had been still greater under the former course with regard to navy bills when there was no fixed time or obligation for their payment. The holders then depended entirely on the discretion and convenience of government for the receipt of their money, being also only intituled in the mean time (after the first six months) to the like interest, at the rate of 4l. per cent. per annum; and these bills having been accumulated to a vast amount during the American war, bore a discount of from 15l. to upwards of 18l. per cent.—They were afterwards funded upon terms calculated on their actual value to the holders, at the time of funding them.—On the first introduction of bills payable in fifteen months, they suffered little or no depreciation; and they had this advantage from the length of their term of payment, that (though money could be demanded for them at the end of that period) if the supplies appropriated to naval services should fall short of the demands during the year in which they were issued, it was almost certain that parliament would meet before they became due, so that government would have the means, by a parliamentary grant, of making a farther provision for the payment of them.—It is proper, in this place, to mention, that although the grants annually made by parliament for naval services, form a specific sum adapted to the amount of the estimated expenditure for the year, yet the actual expence, and the amount of the debt which may be contracted, neither is nor can be fixed, but may exceed the grants to an extent which must necessarily be commensurate with whatever may be the amount of the excess of services beyond what had been foreseen and included in the previous estimates, and of the excess of the prices of articles included in the estimates beyond the rates according to which those estimates had been formed.—While therefore navy bills had no limited time of payment, there could be no unavoidable occasion for a fresh supply of money during the course of any year, beyond what had been granted for the naval services of that year, unless the very improbable occurrence had happened of the grant falling short of the demands necessary to be paid with ready money; and the same observation applies to the case of 15-months bills; but this very circumstance it was, which was so detrimental to the public interest, by operating as the principal cause in producing the depreciations above-mentioned, and thereby enhancing to government, in the proportion of those depreciations, the prices of all those articles of navy and victualling stores, for which navy bills were to be given in payment.—The passing of the act 37 Geo. III. c. 26, since which all navy bills have been made payable at the short date of 90 days, having put an end to such depreciations, has, the committee believes, been universally felt, and acknowledged to have been a measure of the utmost benefit in point of œconomy. To prevent such depreciations was the principle of that measure.—When it was found, as has been already stated, in the month of September 1800, that what remained of the grants appropriated for naval services beyond what would be required for ready-money payments, was not sufficient for the discharge of the bills outstanding, it became a matter of the utmost importance to consider of some method of providing for their discharge, by which the practical advantage of the principle might be preserved, without immediately resorting to parliament for a fresh grant of naval supplies; for it appears to have been the opinion of persons eminently qualified to form a satisfactory judgment of the matter, that any additional parliamentary grant at that time, whether the money should be raised under it by the issue of exchequer bills, or otherwise, would have been attended with the very disadvantage which the measure of the ninety-day bills had been calculated to prevent; as such exchequer bills, or other government securities on which the money required in that case must have been obtained, would, in the opinion of those persons, have borne such a discount or depreciation of value, as must not only have greatly enhanced the expenditure of the navy, and that of all other public departments, but also have proved highly injurious to the monied interest of the country, and to the public at large.—Under the circumstances which your committee have thus endeavoured to explain, it was determined, by the principal financial department of government, to propose to the holders of navy bills about to become due, to accept of fresh bills of the same sort, made payable in like manner as those they might choose to exchange against them, leaving it however to their option to receive, if they should prefer it, payment in cash according to the obligation of the original bills: public notice of this option was accordingly given, and renewed bills were accepted and exchanged against old ones to a considerable extent, the amount of the interest due on the old bill being included in the principal sum made payable at the end of ninety days from the date of the new one.—It will immediately occur, that any person having accepted such a renewed bill, who should afterwards have occassion for ready money, had it in his power to dispose of it, like any holder of any other navy bill, for the full amount specified in it (these bills never having suffered any depreciation;) deducting only the interest which remained to accrue between the time of his converting it into cash, and the time when the bill so discounted was to become due; and it cannot but be supposed that many persons found it convenient to act in this manner.—Still, however, though many holders of 90-day bills had availed themselves of the opportunity of exchanging them for new bills, it was found that the amount of bills outstanding and not offered to be exchanged, was considerably beyond the disposable part of the unexhausted supplies of the year: and, upon this discovery, the treasury determined to issue other navy bills, made payable to a merchant of the name of Glenny, and afterwards to the house of which he was a partner, under the firm of Donaldson and Glenny (such bills being still made payable at 90 days after the date;) and Mr. Goldsmid, the gentleman who had been long the agent of government in the negociation of exchequer bills, and other business of that nature, was employed to dispose of those navy bills in the usual way in which such securities are turned into cash, and to place the money received upon them at the disposal of the navy department, in order to be applied to the discharge of such of the bills falling due, as the holders were not willing to exchange against renewed bills.—Those bills so negociated by Mr. Goldsmid, were disposed of by him, not only without loss, but with a trifling advantage to the public, as explained in his evidence given before your committee; and with no other charge for his service in the business than the usual commission of 1-8 per cent. which he has been accustomed to receive from government for negociating exchequer bills.—It will be observed, that, so far as old bills were exchanged against new ones, or paid off by cash obtained on the negociation of new ones, no navy debt was created; the new bills, in fact, only representing and becoming the security for that which had been created by the purchases or other services for which the old bills were originally issused. It will also be observed, that the only difference between the two cases, of bills exchanged for new ones, and those paid off by means of the negociation of new ones, was, that, in the first instance, the holders of the old bills accepted, in lieu of them, others which they could, and probably often did, negociate for cash; and that, in the second instance, the navy board themselves procured new bills to be negociated for the purpose of paying the holders of the others with cash. In both cases, a longer credit was obtained for the actual discharge of the debt, for which the original bills had been the security, without any depreciation or additional charge, beyond what arose from the mere lengthened time of payment, and, in the latter case, with the addition of the per centage allowed to Mr. Goldsmid. Therefore, as, in form, the limitation of the 90 days was adhered to in both cases, so, in effect, the benefit of the principle on which that regulation had been established, was obtained in both.—A successive issue of bills, in the manner and for the purpose above stated, appears, by the account No. 4. in the appendix to the eleventh report, to have been continued from the 24th of October 1800, to the 7th of March 1801. Of course, such of them as were issued between the commencement of 1801, and the date last mentioned, must have been paid off before the month of September in that year.—In that month a similar measure was resorted to, on account of a like deficiency, as on the former occasion, in the naval grants of that year, as compared with the expenditure.—On the 1st of September 1801, the sum remaining in the exchequer, unapplied, of the grants for naval services for that year, together with a balance in the hands of the treasurer of the navy, and also 1,000,000l. paid to him out of the vote of credit, amounted only to 2,803,058l. 5s. 8¼d. and left a deficiency, according to the estimate then formed, of above 2.000,000l. The actual excess of expenditure during the three remaining months of the year, appears to have been 2,363,131l. 15s. 0¾d.—Parliament in that year had been prorogued on the 2d of July, and was not assembled for the dispatch of business till the 29th of October, after intermediate prorogations on the 6th of August, the 15th of September, and the 22d of October.—For the detail of the causes which produced the excess of disbursements and demands over the estimates made, and supplies granted at the respective commencements of each of the two years 1801 and 1802, your committe desire to refer to the evidence.—They think it sufficient here to state in general, that the mode of including in the fixed sum of 7l. per man per lunar month (from which 5s. is deducted in the first instance and paid over to the ordnance, leaving only 6l. 15s. per man, for the navy) all the navy and victualling stores for the year, whatever may prove the eventual rates at which those stores shall be procured, must necessarily render the correspondence between the total amount of their actual cost, and the proportion allotted to them out of the grant so calculated, very precarious and uncertain; and that in fact the prices of some of the most material of those articles had been, at the periods in question, extremely enhanced, in consequence of the rupture which had taken place between Russia and this country.—The reasons which have been assigned to your committee for the first adoption of the measure in 1800, have been explained. The continuance of the issues during the ensuing year up to the month of March, must be referred to the known state of public affairs, both foreign and domestic, in the first months of that year.—The particular situation of affairs, in consequence of the negociations for peace depending in the month of September 1801, appears to have rendered it extremely unadviseable, in the opinion of those whose duty it was to judge of that matter, to resort at that period to parliament in order to procure a loan, or the issue of exchequer bills. for the purpose of obtaining the money wanted for the discharge of the navy bills then falling due.—Those negociations continued through nearly the whole of the period (from the 9th of September 1801 to the 5th of May 1802) during which the latter of the issues in question took place; and Mr. Goldsmid has informed your committee, that, during the negociations, a loan could not have been made but on terms less advantageous, by the difference of from ten to twelve per cent. than those on which it was afterwards concluded.—The respective estimates of the navy debt, made up to the 31st of December in the years 1800 and 1801, were, in the usual way, laid before parliament; and the first item of each contained, as usual, an account of the navy bills then outstanding; including at each period, those negociated by Mr. Goldsmid, but without distinguishing them from others.—In the estimate for the year 1802, none of these last-mentioned bills were included, having of course been all paid off before that estimate was prepared.—With respect to the whole amount of the bills negociated by Mr. Goldsmid from the 24th of October 1800 to the 5th of May 1802, it appears, upon examination of the dates of the several issues, that though the aggregate of all the sums which they successively represented at different periods is correctly stated in the 11th report at 4,300,000l. the sum actually applied to the discharge of navy bills, by the issue of new ones, was no more than 2,200,000l. viz. 900,000l. between the 24th of October and the 7th of March 1801, and 1,300,000l. between the 9th of September 1801 and the 5th of May 1802; the difference arising from taking into the larger account the fresh bills issued from time to time, as others which became due were paid off.—It appears, that the measure of issuing the navy bills in question (how or by whom suggested, seems a matter of no importance) was authorized and directed by the treasury, both at first, and on the occasion of each subsequent individual issue: and, with regard to the conduct of the treasury in that respect, the considerations which have occupied the attention of your committee have been—how far the measure was expedient and beneficial to the public; how far it was regular, in whatever sense that word is to be understood; and how far it was strictly legal. As to the conduct of the navy board, the only material object of attention has been, how far they were justifiable and lawfully warranted in executing the orders they received from the treasury, directing them to carry the measure into effect.—The commissioners of naval enquiry have stated, that this transaction appeared to them "irregular, that the circumstance of inserting 90 days interest in the bills in question," (to which bills one of those gentlemen in his examination before your committee has applied the term fictitious) "had been added to give them the semblance of regular bills, but that there was this essential difference between them, that the regular bills stated the particular kind of stores, or services, for which they were given in payment, these bills expressed only that they were for sundry naval services."—With regard to the question, how far the measure was of urgent expediency and benefit to the state, your committee have been the more anxious in their investigation, in consequence of the following passage in the eleventh report:—"It was certainly proper that the public credit should be supported; but we cannot admit that this measure was indispensably necessary for that purpose, nor can we allow the validity of the reason given by the comptroller, namely, that no funds were exclusively set apart for the payment of 90-day bills; the amount being uncertain, it is in the nature of the thing that an estimate should be uncertain. All the supplies for the navy are annually voted by parliament on estimate, and the amount paid by 90-day bills, forming no inconsiderable part of the navy expenditure, must of course be included in the general provision for naval services."—Your committee conceive, that the expressions "indispensably necessary," in the passage just quoted, and "absolutely necessary," in the evidence of the comptroller of the navy (inserted in No. 1, p. 498, of the appendix to the 11th report) must be understood to mean politically necessary, or, in other words, highly-expedient and beneficial; for it cannot be supposed that, on such a subject, those expressions could have been intended in the more strict and accurate sense of physical or moral necessity.—Respecting the urgent expediency and public benefit of the measure, the commissioners were possesed of the opinion of the comptroller of the navy, as appears by his evidence just referred to. Your committee have heard, and reported in the minutes of the evidence taken before them, his confirmation of that opinion, with the reasons on which it was formed. They have also heard, and reported, the opinion of Mr. Goldsmid to the same effect, together with his reasons; and likewise the opinions and reasons of Mr. Long and Mr. Vansittart, who were secretaries to the treasury at the respective periods when the different issues took place. Mr. Goldsmid had been examined, before the commissioners, on those facts of the transactions which fell within his knowledge; and he appears to your committee to be a person peculiarly qualified to have informed them of the circumstances which might have induced the adoption of the measure, and also to have formed and delivered an opinion, concerning its expediency, in a financial point of view.—That gentleman has stated to your committee, that he did actually communicate to the commissioners, in the course of the conversations which took place between him and them after he was sworn, both his opinion on the subject, and the reasons on which that opinion was founded.—On the other hand, two of the commissioners who have been examined by your committee, have no recollection of such communication having been made; and one of them has declared, in the most express terms, that he does not believe that any such communication took place.—Your committee however, collect, from the testimony of both those commissioners, that they did not think it their duty to investigate this part of the subject; and that, in their opinion, any information concerning it, would have been so irrevelant to the object of their enquiries, that they would not have inserted it in their proceedings, unless the examinant had "offered it as evidence," and required it to be taken down as a part of his examination; which Mr. Goldsmid does not appear to have done, nor (as he has expressly said) to have thought himself authorized to do.—It may be proper here to observe, that Mr. Goldsmid's evidence is of a positive, that of the commissioners of a negative kind; and that, as they would have considered any communication of the sort in question as irrelevant, it is very possible that it may have been made, and yet have escaped their attention; especially as they have informed the committee that what Mr. Goldsmid said, while under examination, was extremely diffusive and digressive; and it is also very possible, that when his answers came to be formally reduced into writing, he may have been unwilling to propose, that what he had stated as his reasons and opinion in favour of the measure, should be taken down; rightly conceiving, that the commissioners were the best judges of the extent of their duty, and the proper objects of their investigation. This explanation is countenanced by Mr. Goldsmid's declaration, already referred to, that he did not think himself entitled "to order them as to what they should think proper to lay before the public."—But whatever may have passed between Mr. Goldsmid and the commissioners, your committee cannot agree with the commissioners as to the irrelevancy of the question of the expediency and utility of the measure which they were investigating, to the object of the report which they were to make upon it. If they thought it their duty to form and report an opinion, that the measure, whatever department of government should appear to be responsible for it, was so irregular and (as the context of the report seems to imply) so little consonant to law, as to be fit matter to be submitted, on that account, to the consideration of his majesty and the two houses of parliament, your committee submit to the house, whether they ought not also to have enquired fully into every circumstance which might have tended, in respect of expediency and utility, either to justify, extenuate, or (as the case might have been) to aggravate the blame belonging to, the adoption of such irregular or illegal measure—The commitee think this was the more incumbent on the commissioners, as they did, in some degree, inform themselves on the point in question, and have in fact reported the opinion concerning it, which has been stated.—With regard to the question of irregularity, that word is certainly of no very definite import: the measure undoubtedly was, as stated by Mr. Long, new; and Mr. Vansittart, when the renewal of issues like those on the first occasion was suggested to him, observed, that such a mode appeared to him irregular. If this description was meant to apply to the form or language of the bills, your committee do not find that the form in which navy bills should be drawn has ever been the subject of any positive law: the form in use before the statute of 34 Geo. III. c. 21, was totally different from that which has since obtained; and, neither that act nor the subsequent statute of 37 Geo. III. c. 26. prescribed any particular form. It is true that in the bills issued in the course of payment to contractors, merchants, tradesmen, &c. it is the custom of the navy board to mention the commodity or service for which they are issued; but when issued by way of imprest in advance, they are in a more general form; viz. "Being for sundry works performed by him to his majesty's ship ——," so that the form used in the bills to Glenny, and to Donaldson and Glenny, being, as stated in the 11th report; viz. "On account of sundry naval services," was not more general than that last-mentioned, except that it did not hold out a semblance, which would not have been consonant to the fact, of their having been issued for services performed by them.—If, by irregularity, is to be understood the circumstance that the bills in question were made payable to persons who were not actually creditors of the navy board; it is to be observed, that they were drawn with the view and for the purpose of the payment of bills for which stores had been supplied, or services performed; and that the holders of any other navy bills after indorsement, are no more creditors of the navy board, in reference to the actual supply of stores, or performance of services by themselves, than the holders of the bills indorsed by Messrs. Donaldson and Glenny were.—In both cases, the money is due on the bills on account of naval stores or naval services originally furnished or performed; but not furnished or performed, in either case, by the holders to whom the payment is to be made. On the whole, therefore, it appears to your committee, from the circumstances of the issues in question as they have been above explained, that the words observed upon by the commissioners of naval enquiry, contained a true description of the consideration on account of which the bills were issued.—The remaining question on the subject of those bills is, whether it was lawful, either for the navy board to obey the directions they received from the treasury, or for the treasury to give those directions; and here it is to be observed, that the word irregular, as applied by the commissioners of naval enquiry to the transactions, according to the most probable interpretation, seems to your committee to convey the impression that they considered them, in one or other of those respects, as contrary to law.—It is certain, as has been before explained, that the navy board may contract debts and issue navy bills on the terms prescribed by the statute 37 Geo. III. to whatever amount (beyond the extent of the sums granted) the executive government in their discretion shall think necessary; the exercise of that discretion being of course subject to the subsequent review and sanction of parliament, when the navy debt comes to be laid before them, as it must unavoidably be, in order that provision may be made for its discharge.—It is no question, on the present occasion, whether the navy debt incurred during the currency of the years 1800 and 1801 respectively, beyond the amount of the respective grants of those years, was contracted on sufficient grounds. Having been contracted, it seems to your committee, that the treasury, as the supreme financial department of the government, was the natural and only authority to direct the navy board as to the best method of providing satisfactory securities, consistently with law, to the creditors to whom the debt so contracted was due.—The commissioners of naval enquiry state, that they do not conceive the navy board can, without the express authority of parliament, issue bills to raise money to be applied to the service of the navy, or any other service; that, not being aware of any power in the navy board to draw bills of the description of those issued to Glenny, and Donaldson and Glenny, for the purpose of raising money, they had sought information from the comptroller of the navy on the subject, and that he had referred them, for the authority under which he and the navy board had acted, to his majesty's order in council in June 1796, for regulating the duties of the several members of the navy board, and to the patent by which they are appointed; and that from those documents no such authority is derived.—In another part of the report (under their second head enquiry) the commissioners state, that the navy board, by their patent of appointment, are required to follow such orders and instructions as they may from time to time receive from the lord high admiral, or the commissioners for executing the office of lord high admiral for the time being; and that it does not appear that they are authorized to follow directions which may be given to them by any other department of government;

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* *Note*: The limit in the act is three calendar months; but, probably for the sake of uniformity, the bills have always been made payable at ninety days.

and they seem, by another part of the passage last referred to, to have thought it clear, that the effect of the patent was to place the navy board "exclusively" under the controul of the admiralty.—Your committee have deemed it necessary to call for the patent of the navy board; and also for the order in council of the 8th of June 1796; and the order or letter of instructions from the lords of the admiralty to the navy board of the 17th of August 1796; and they find that, in the said patent, besides the special directions therein contained, by which the board are commanded to follow such instructions as they shall at any time receive from the admiralty, there are general clauses, "empowering them to do all things appertaining to the principal officers and commissioners of the navy to do," and granting full power to the comptroller to execute the duty appertaining to that office; "and which was, or ought to have been performed by any former comptroller of the navy, excepting such parts thereof as by the patent itself had been entrusted to the board at large, to be conducted and managed by them in such manner as the admiralty should direct, and also such as should thereafter, by warrant of the admiralty, be committed to the care of any other person or persons."—It should seem, from a view of those clauses, that if it has been customary for the comptroller or navy board to act under direct orders from the treasury, a conformity to such usage is rather sanctioned than prohibited by the patent, at least your committee have not discovered any where in it such an express prohibition or exclusion of the authority of the treasury as would render the exercise of such authority, if conformable to usage, contrary to law. And as to the usage, it was in evidence before before the commissioners of naval enquiry, upon the examination of the comptroller and secretary, that the navy board had been in the constant practice of receiving and following directions from the treasury, without any communication of those orders to the admiralty; and it will appear from the minutes hereunto annexed, that evidence has been given, by the secretary, to the same effect, before your committee.—Your committee have thus stated what has occurred to them as material, relative to the legality of the transactions, as far as concerns the comptroller and the navy board, or the question whether they are bound or lawfully authorized to obey orders relative to such matters, supposing those orders to be legal, which they may receive from the treasury.—As to the orders themselves, your committee submit, that they cannot discover any fair ground for considering them as illegal, either in what has been previously stated relative to the particulars of the transactions, or in the evidence they have received, or in any statute or rule of law with which they are acquainted.

II. The commissioners of naval enquiry have intituled the second head, in their report, "loss arising from the mode of paying the interest on navy and transport bills."—Your committee have not deemed it necessary to enter into much enquiry, in addition to that which the commissioners have thought fit to institute, with regard to a subject which does not appear to your committee to have required the very particular and elaborate investigation they have bestowed upon it.—The house have before them the reasons stated by the navy and victualling boards, for the different constructions which they had put upon the act of 37 Geo. III. c. 26. and it also appears, that the navy board, so long ago as the 18th of December 1801, adopted the practice which the victualling board had previously followed, and of which the commissioners have themselves approved.—Your committee will therefore take the liberty to dismiss this matter, with only two observations; first, that in a question concerning the true construction of a statute, the commissioners (probably through inadvertency) have not accurately stated the provision of the act: their words are, "that it is thereby directed, that the bills shall be made payable on a certain day to be expressed in each bill, which day shall not be later than three calendar months from *the day of* the date thereof, and that every such bill shall carry an interest after the rate of 3½d. per centum per diem, to commence from *the day of* the date of each bill." But the words of the act are, which day shall not be later than three calendar months *from the date of* such bill; and that every such bill shall carry an interest after the rate of 3½d. per centum per diem, *from the date of* the same. The words of the former act are indeed, "that the interest shall commence *from the day*, &c." and they are correctly stated by the commissioners.—The second observation is, that the loss said to have been sustained by the public, from the imputed overpayment on the ninety-day bills, included in the period between the 26th of December 1796, and the 19th of December 1801, will be found to have been calculated by the commissioners at a sum (not considerable indeed) beyond its real amount.

III. On the third head in the report of the commissioners, which is intituled, "money impressed by the navy board for secret naval services:" Your committee have confined themselves, in conformity to the exception in your order of reference, to the issue of 16,000l. for a secret service, which makes the subject of the second question and answer in the examination of the earl of St. Vincent, No. 23 of the appendix to the eleventh report.—The commissioners have taken notice, in this part of the case, of an omission in the order or letter of instructions from the admiralty to the navy board, dated 17th August 1796, and have stated "that this omission should be rectified, as they are of opinion, that it is of considerable importance, that the several subordinate boards should have precise information, not only of the extent of the authority vested in them, but of the authority under which they are to act."—Your committee have already mentioned, under the first head, what has occurred to them in general, relative to the power of the treasury to give directions to the navy board, and the duty of that board to obey them. Undoubtedly the order of council of 8th of June 1796, does contain the clause omitted in the instructions of the 17th of August; but your committee have to observe, that the board of admiralty, in their said letter of instructions, did expressly state, that the order in council had directed that the several arrangements suggested by them (of which the clause in question formed a part) should be adopted and carried into execution in such manner as they should judge proper, and that they had inclosed therewith a copy of the said order in council for the farther information of the navy board. It will therefore be for the consideration of the house, whether sufficient notice was not thus given to the navy board of the condition "that secret services were to be performed under the authority of the first lord of the admiralty," and that such condition, though not repeated in the instructions, had actually made part of the plan recommended by the admiralty itself, and sanctioned by the act of his majesty in council, under which authority the whole of the instructions of the 17th of August was established.—As to the question, how far the service to which the 16,000* was applied, was sanctioned or authorized by the first lord of the admiralty, and with a knowledge that the expence thereof was to be defrayed, in the first instance, by the comptroller of the navy; your committee avoid entering into any discussion, referring solely, in addition to what appears in No. 23 of the appendix to the eleventh report, to the evidence contained in the minutes and appendix hereunto annexed; having inserted in the appendix such part of the correspondence on the subject, as they have understood could be laid before them, without the danger of revealing what it might be inconvenient for the interests of the public to have disclosed.—Some variances having been observed between the expressions of the copy of the letter from the comptroller of the navy to the commissioners of naval enquiry, bearing date on the 30th of Nov. 1804, as printed by the order of the house of the 29th of April last, and those of the letter itelf, as it appears to have been actually sent to and received by the commissioners, and which was produced to your committee by one of those commissioners, your committee have thought it right to insert both, in the subjoined appendix; and the examinations taken by them relative to that circumstance, form the concluding part of the minutes of the evidence.

MINUTES OF EVIDENCE.

The examination of RICHARD ALEXANDER NELSON, *esq. Secretary to the navy board, taken before the Committee on the Eleventh Naval Report, the 29th of May* 1805.—Do you remember any instance in which the navy board have refused to comply with directions received from the lords of the treasury? Not any.—Have you found in the records of the office, before your own time, any instance of such a refusal? No.—Have you looked back to the records with that view? No.—Have you often occasion to refer to the books for other purposes? Yes.—Did you, in looking over the books, ever find any orders from the treasury to the navy board prior to your time? Yes, several.—Have there been orders from the treasury to the navy board in your time? Yes, a great many.—Is their any instance of either of them being disobeyed? None, to my knowledge.—How long have you been secretary? since 1796.—How long have you been an officer of the navy board? January 1779.—Have you been all that time in the secretary's office? Yes, but it was formerly called the clerk of the acts office.—Had you occasion while you was in that office, but before you was secretary, to know of the orders that came from the treasury to the navy board? Most of the orders came into the office, and there

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* Note: From a mistake, which the committee think is explained in the examination before them, of one of the commissioners, the sum was stated, in the question to lord St. Vincent, at 14,000l.

I saw them.—Of what nature were those orders from the treasury to the navy board? On a variety of subjects.—Did any of them relate to the performance of naval services? Without doubt they did.—Could they relate to any thing else? Formerly the navy board conducted part of the transport service.—Did any of those orders relate to to the issuing of navy bills for the purpose of raising money? I never saw any such order.—Would such orders as last-mentioned come necessarily to your hands from your situation in the office? If they came in the usual manner I should see them.—Are not orders of a special nature frequently directed to the comptroller? Yes, frequently.—Would orders of a special nature, directed to the comptroller, necessarily come in the first instance into your hands? No, they would not.—Would they afterwards come under your observation? Yes, after the service was performed.

The examination of JOHN MARSH, *esq. commissioner of the victualling office; taken the 29th of May,* 1805.

Can you state what was the increase of the prices of victualling stores in the year 1800, compared with the preceding year, and about what period of the year the rise took place? I cannot state with precision as to the increase of the cost of provisions in the year 1800, from that of the preceding year; but, to the best of my recollection, some of them were, in many instances, more than double the price of the preceding year; with respect to the period of the year, I can state nothing without reference to the books, as the purchases were made from time to time as the exigences of the public service required.—Have you made any estimate of the increase of expenditure of naval service in the year 1800, in consequence of the increase of price in the victualling department? A comparison of the prices of various articles of provisions purchased in the years 1799 and 1800, was made towards the latter end of the latter year in our office; and I have a copy, which I beg leave to produce.—On what occasion was the paper made out? I should suppose in consequence of a letter addressed to me from sir A. S. Hamond, dated September 1800, stating, that he wished to have my opinion of what had been the occasion of the exceeding in the victualling department, from the estimate delivered in early in January of the probable expence of that year. I beg leave to add to a former answer, that I have here a paper, dated the 4th of September 1800, intituled, " A comparison of the sums paid for various species of provisions between the 1st January and 31st August 1799, with those paid for the same articles in the same months in the year 1800;" which paper I beg leave to produce.

The examination of sir ANDREW SNAPE HAMMOND, *bart. comptroller of the navy; taken the 29th of May* 1805.

Do you know at what time in the year 1800, there was first a deficiency of money in the hands of the treasurer of the navy, for the discharge of demands for naval services? About the beginning of September 1800, upon considering the sums that remained to come in of the supplies of that year, it appeared that the expenditure had been larger than was expected in the early part of the year, and upon an estimate of what was likely to be wanted to the end of the year, there appeared to be a deficiency of about 2,500,000l.—Was that comparison made by you as comptroller of the navy? Yes, and collected from the different departments.—Was it made by the desire of any of his Majesty's ministers? I rather think it was made by the desire of the secretaries of the treasury, who looked to me for information on all subjects of naval expenditure.—Had any previous representation been made by you to the lords or secretaries of the treasury on that subject? I don't recollect there were any letters passed on that occasion, but it was my duty to inform the treasury if I saw any prospect of the supplies not holding out.—Had you in point of fact informed the treasury, whether by letter or otherwise, previously? Yes, I had.—When and to whom was that information given? I believe it was given to Mr. Long and Mr. Rose, certainly to one, and most likely both, in the early part of September, I believe, or perhaps the latter end of August.—Was it in consequence of this information, that you was desired by the secretaries to make this estimate? I think it most likely was.—Having made the estimate, what was the next communication made to you from the treasury? I had certainly frequent communications with the secretaries of the treasury, and was present when the measure of renewing bills was mentioned; and I was asked whether I saw any objection to the renewing bills, to any persons that preferred having a new navy bill instead of being paid in money; to which I said I saw no objection.—What persons were present at this meeting, when the measure of renewing bills was mentioned? I really do not remember that any persons were present but Mr. Long and Mr. Rose; I believe they were both present.—What was the next communication you received from the treasury on this subject? A letter from Mr. Long, dated 7th September, marked no.2, in the appendix to the 11th report.—What answer did you return to that letter, and what was done in consequence of it? It was put into immediate execution by a letter from the navy board, written to the treasurer of the navy, to request he would stick up a notification in his office, that such persons as thought proper might be accommodated with new bills at ninety days, in discharge of those becoming due, until further order.—Were any bills renewed in consequence of that notice stuck up? Yes, a great many.—To what amount? I really cannot speak from memory, but the account may be had upon application to the navy board.—Are the bills which were given in renewal of others, included in the appendix to the 11th report no. 4.? No.—Was any application made to the treasurer of the navy, by any holder of navy bills that were due, for payment without renewal with cash, after this notice was stuck up? I never heard that there was any application to the treasurer of the navy, nor could there be any occasion for such application, as those who did not wish for a fresh bill received the amount in cash.—Was there any communication from the treasury to you respecting the issue of navy bills for other purposes than the renewal of former navy bills? Yes; I had the like communications with the secretaries of the treasury on that measure as on the former.—When had you the first communication with the treasury respecting the issue of the latter bills? Some time previous to the 22d October 1800; when I stated that there were persons who required to have their bills paid in cash, and that therefore the circumstance of renewing the bills would not answer the exigency of the service; and that it was of the greatest national consequence that money should be forthwith issued from the treasury, if it could be done, to pay such bills then becoming due, so as to prevent the possibility of the present advantageous system of paying the navy by ninety-day bills getting into discredit; and I recollect, at that time there was not remaining of the supplies of the year more than 8 or 900,000, which was very insufficient to carry on the other services of the navy, which actually require to be paid in ready money.—Were any and what directions given, and by whom, in consequence of this representation of yours to the treasury? I received a letter from Mr. Long, dated 22d October (No. 6. in the appendix to the 11th report.)—Was that the first communication you received from the treasury upon this subject after your representation?—No, I saw the secretaries of the treasury previous to that letter, and was informed that such a measure would be adopted. I was consulted upon the measure, as I had been on the former occasion; and the issuing of new bills as mentioned in the report, was agreed upon.—What was the mode agreed upon between you and the secretaries of the treasury, for carrying the measure into execution? That navy bills should be made out to any person that Messrs. Goldsmid, the brokers employed by the treasury for disposing of exchequer bills, should appoint, which brokers were to pay the amount into the hands of the treasurer of the navy, for the discharge of navy bills becoming due.—In consequence of receiving the letter No. 6. in the appendix to the 11th report, did you make any application to Messrs. Goldsmid on the subject? No, to the best of my recollection they were directed by Mr. Long to come to me at the navy office.—When Messrs. Goldsmid came to you at the navy office, what arrangement did you make with them for the drawing and disposing of those bills? Mr. Goldsmid informed me, and the committee of accounts, that if the bills were made out to any person that would put them into his charge, he would immediately pay the amount, or such part thereof, to the treasurer of the navy, as was required for carrying on the service of discharging the ninety-day bills as they became due, therefore, on receiving Mr. Long's letter (no. 6.) 100,000l. (part of 500,000l, mentioned in that letter) in navy bills, were made out in the name of Mr. Cornwall Smally, who, happening to be in the office, had proposed his name to be made use of; but the next day he having signified some objection on account of the dealings his house had with the board, Mr. Goldsmid having previously had a conversation with Mr. Geo. Glenny, he proposed the measure to him, and Mr. Glenny introduced himself to me for the purpose, previous to which time I do not remember ever to have seen Mr. Glenny, and those bills were destroyed, and new ones issued in the name of Mr. George Glenny; when these bills were delivered to Mr. Glenny, he wrote a letter to the navy board, acknowledging the receipt of 100,000l, and the navy board wrote to him in consequence the letter no. 7. in the appendix to the 11th report.—What were the particular objections made by Mr. Smally to having his name mentioned in the bills? Mr. Smally stated, that having very considerable dealings with the navy board, his partners were of opinion, as well as himself, that these bills might clash with his other accounts.—Was there any agreement made between you and Mr. Goldsmid, as to the form in which the bills were to be drawn? No—What was the reason for introducing the words "for account of sundry naval services," in these bills? As these bills were to pay other ninety-nine day bills issued for specific naval purposes, it was judged proper that these bills should express that they were for sundry naval services.—Did the navy board continue to issue other ninety-day bills for the current service of the navy, during those months they were delivering those to Mr. Glenny? Yes, otherwise it could be no accommodation.—When were these bills that were issued to Mr. Glenny paid, and out of what fund? They were regularly paid at the end of ninety days, when they became due, out of the grants of the ensuing year; none of them became due till January 1801.—Since you have been comptroller of the navy, have you known of any bills, whether ninety-day bills, or the fifteen-months bills, or bills payable in course, disposed of for the purpose of raising money before the year 1800? I do not know that any bills of any of those descriptions were ever issued for that purpose previous to October in 1800.—In the conversations which you stated yourself to the commissioners of naval enquiry to have had with the first lord of the admiralty, concerning the bills issued to Glenny, did you receive any direction from, or were you authorized by him to draw the said bills issued to Mr. Glenny? Lord Spencer was fully apprized of the difficulties the treasury experienced, and therefore gave his full sanction to me to carry that measure into execution.

The examination of GEORGE GLENNY, *esq. taken the 30th May*, 1805.

What profession are you? A merchant.—Had you any conversation with Mr. Goldsmid about the navy bills, in October 1800, before you saw sir Andrew Snape Hamond? I believe sir Andrew Snape Hamond spoke to me before I spoke to Mr. Goldsmid on the subject; by accident I happened to dine in company with sir Andrew Snape Hamond, and he mentioned the matter first to me.—What inducement had you to permit your name to be used as payee of the bills? A hope of serving the public; no other inducement, either directly or indirectly.—Was it necessary you should indorse them before they were put in circulation? Certainly.—Where were they brought to you to indorse, and by whom? The first 50,000l. I received at the navy office myself; afterwards they were usually sent to Messrs. Goldsmids' office, and I used to call there and indorse them in their office.—By whom was the change from the name of Glenny to the firm of Donaldson and Glenny first suggested? I cannot charge my memory, but I believe it was by me; the reason was, that I conceived that it would in some measure hide the necessity which government were then under, because the house of Donaldson and Glenny had many victualling bills passing through their hands for services performed, and I individually had none; and therefore the bills, when in my name, had a novel appearance in the market.—Was not the change made in order to give the bills the appearance of more regular bills? That was my meaning.—Was your first communication with sir Andrew Snape Hamond on this subject an accidental meeting? It was.—Your impression is, that that meeting took place at a dinner; can you say where? No, I cannot.—Can you say on what day? I think it was either on a Friday or Saturday; for on the Monday we met at the navy office.—When, in consequence of what passed between you and sir Andrew Snape Hamond, you first spoke to Mr. Goldsmid, did you find Mr. Goldsmid already apprized of the subject? He certainly was apprized of it.—Was the appointment for the meeting in consequence of any desire of sir Andrew Snape Hamond, or by an arrangement of Mr. Goldsmid? The appointment was certainly of Mr. Goldsmid's making, because I could not make an appointment for Mr. Goldsmid without having seen him.—Were you not aware that these bills were first made out in the name of Mr. Smally? I was not.—Did you ever see sir Andrew Snape Hamond before on the subject of business? Never; I never had any business with him.

The further examination of sir Andrew Snape Hamond, taken the 30th May, 1805.

In your evidence of yesterday, you stated that you did not ever remember to have seen Mr. Glenny before the meeting at the navy office; you have heard read to you the evidence which Mr. Glenny has to-day given, namely, that he had met you before accidentally at a dinner, and that you then mentioned the subject of issuing the navy bills to him; can you reconcile this difference? All that I can say is, that I have not any recollection of ever having had any conversation with Mr. Glenny previous to seeing him at the navy office, waiting for Mr. Goldsmid to arrange the circumstance of the bills; the conversation alluded to by Mr. Glenny, must have passed in the interval before Mr. Goldsmid came into the room.

The further examination of George Glenny, esq. taken the 30th May 1805.

You have heard what sir Andrew Snape Hamond has just stated; what is your recollection or belief now on the subject? I feel myself obliged to admit, that what sir Andrew Snape Hamond has just stated is most likely to be correct.

The examination of ABRAHAM GOLDSMID, *esq. taken the 30th May* 1805.

Do you remember that at the time of the first issue of navy bills, in September and October 1800, to Mr. Glenny, there was great distress in the money market? Yes, there was a great distress.—Were other public securities, particularly exchequer bills, very difficult to negociate? Very much so; and if we had forced the market, it would have made them fall to a considerable discount; it was reported at that time, that great part of the supplies that were granted were exhausted, owing to the enormity of the price of provisions and stores, which occasioned the people that had money to hold themselves in readiness, as the chancellor of the exchequer must soon make a loan.—Do you believe that if a fresh issue of exchequer bills had been attempted at that time, to supply the exigencies of government, those fresh exchequer bills could have been disposed of without considerable loss? Not without a considerable loss, nor even then to any large amount.—Do you believe that if a loan had been negociated at that time, it could have been negociated on any terms not highly disadvantageous to the state? Very disadvantageously, owing to a great part of the former loan not having been yet paid up.—Were the navy bills negociated by you, disposed of in proportion as the produce of them was wanted for the exigencies of the naval service, without difficulty or loss to the public? Without loss to the public or difficulty.—State why it was easier to dispose of those bills than of exchequer bills? Those navy bills when run off 25 days, and having then only 65 days to run, the holders could with ease have got the money by discounting them at the bank, so that they would be ready with their money in case of a loan; they came within bank time, the usage of the bank being not to discount bills of exchange that have more than 65 days to run.—Do you know any other issue of public securities, or operation of finance, by which the state could have been relieved without great disadvantage? I mean to say this was the only way it could have been done.—Are you able to state, from your own knowledge or observation, whether the prices of many articles of naval and victualling stores were considerably inhanced, in the course of the year 1800, beyond the prices of former years? Very much indeed, particularly victualling articles.—Can you state whether the merchants dealing in such articles, were considerably pressed for money about the time when the bills were issued? Very much distressed.—Did that pressure, in your opinion, contribute to inhance still farther the price of those articles, and occasion a necessity for a great increase of expenditure in the naval and victualling departments of government? Clearly, to a very large amount.—Did the pressure of those difficulties continue in a great degree up to the month of March 1801? Yes, there were pretty nearly the same difficulties; you could not depend on the sale of exchequer bills, owing to the suspense continuing with regard to the chancellor of the exchequer making his loan; even if the loan had been made in February, no money could have been obtained on it for three or four weeks.—Do you remember whether any considerable difficulties in the money market existed in the month of September 1801? Yes, money was rather scarce, exchequer bills sold at about one shilling discount, and then there was no great demand for them.—If you at that time had attempted to force the market, would not the discount have been greater? Very much so.—Were you then employed to negociate navy bills of a similar description with those you negociated from the 24th October 1800 to 7th March 1801? Yes, I was.—Were you enabled to negociate these bills with the same facility as the former, and without loss? Just the same.—Did you continue to be employed in negociating bills of this description from September 1801 to the beginning of May 1802? Yes, I was.—During the whole of that period, is it your opinion that the public exigencies for naval services were answered more advantageously by this method, than it could have been by the issue of any other public securities, or by any other operation of finance? By none so well.—Would hastening the loan have been advantageous to the state? Very disadvantageous, for during that period the definitive treaty was signed, and the loan was made after that, and on better terms by from 10 to 12 per cent. than if it had been made at an earlier period.—Upon the whole are you of opinion, that during the two periods from the 24th October 1800 to the 7th March 1801, and from the 9th September 1801 to the 5th May 1802, during which the issue of these bills was resorted to for the exigencies of the naval service, it would have been possible to meet those exigencies in any other way so advantageous for the state? None so good, and indeed that was the only possible way it could have been done.—Did the usual ninety-day navy bills suffer any depreciation by the issue of those which you negociated? Certainly not.—If the usual ninety-day bills had not been paid when they became due, what effect would it have had in the city? It would have been destruction.—Was the offer which was made to the holders of ninety-day bills, to accommodate such of them as chose it with other bills in lieu of payment in cash, considered as reflecting the smallest discredit on the ninety-day bills? None in the world, they might have had their money if they pleased.—When you were examined before the commissioners of naval enquiry, did you communicate the substance of the opinions which you have now stated, to them? Clearly so.—Look at your evidence, as printed in the eleventh report, no. 11, and point out to the committee, their report of any such communication? I do not see a word of it, and I was very much surprized at not having found it there, because I thought that I had made them acquainted with the service which the measure had rendered to the public.—Were you satisfied that you had, so far as was in your power, made the commissioners of naval enquiry as completely masters of the whole of this subject, as you have now made the members of this committee? Clearly so.—Did you state to the commissioners of naval enquiry, that the measure was indispensably necessary for the support of public credit? I certainly did; there were a great many questions asked me by different commissioners, and a general conversation on the whole transaction, and I endeavoured all in my power, to make them understand the utility of the measure; and after this general discourse, the commissioners had the substance put in writing by their clerk, which they, after consulting among themselves, thought requisite, which was read to me, and I signed it; I therefore could not order them as to what they should think proper to lay before the public.—Is your evidence fully stated in the eleventh report? No, certainly not; I thought from their conversation that they were perfectly satisfied of the utility of the transaction.—Was no written question set down at the time it was asked you? Certainly there were, but before any written questions were put down, several conversations took place to make them understand the use of the measure.—Do all the questions that were taken down in writing, at the time they were put, appear with their answers in the report? I believe so; but there are none of the conversations.—At what period were you sworn before the commissioners? When I came into the room, before I was suffered to speak, and before any of the conversations took place.—Did you consider yourself as much upon your oath, in the answers which you gave to the questions which were not written down, as to those that were?—I thought myself as firmly bound in the whole of what I said, as if I had been before a court of justice.—Was you sworn immediately on coming before the commissioners? I think I was.—Was what you call conversation conducted by way of question and answer, as here? Clearly so.—Was any thing which was at any time reduced to writing, erased before you was called upon to sign? There was first a rough copy made, and then the clerk was ordered in what way to state it. — Did the rough copy contain any thing which was not put into the paper which you signed? Several words; I am sure they made several alterations; I made none, for I did not conceive myself entitled to do it.—Were any whole questions or whole answers omitted? I cannot charge my mind. Do you recollect whether any of the questions and answers, stated by you to have been written down in the rough copy, tended to elucidate the utility of the measure of issuing navy bills? I do not think they were ever written down, because whenever I wished to explain them, their answer was, "it might be so, but that was not for them to look at;" that was constantly said when I wished to explain the utility of the measure.—Were these explanations of your's, respecting the utility of the measure, given in answer to any questions put by the commissioners? Yes, they were given in answer to questions respecting the origin of the transactions.—Were those questions respecting how the bills came to be issued, put down in the rough copy? I cannot say; at first the commissioners seemed to think that sir Andrew Snape Hamond had issued the bills without an order from the treasury: I made them understand how the matter was.—Does the evidence you have given to-day, as to the manner of your examination before the commissioners of naval enquiry, apply to both your examinations before them? It does.—Do you know that at the same time bills were issued to Mr. Glenny there were also bills issued by the navy board, for the purpose of renewing ninety-day bills? Certainly there were.—When you procured the bills that were issued to Mr. Glenny to be discounted, were they passed as bills issued in renewal of ninety-day bills? I generally told the people who discounted them, that they were to pay other ninety-day bills, which were becoming due, and which the holders did not find it convenient to renew; this was known by the bank and by all private bankers.—What rate of interest did government pay for the bills which you were entrusted to negociate? £. 5 per cent. per annum.—What rate of interest does government pay on ordinary ninety day bills? Five pounds six shillings and five-pence halfpenny per cent. per annum.—Explain how this difference arose? Although on the bills (supposing drawn for 1,000l.) the interest added to that by government is 13l. 2s. 6d. for ninety days, at 3½d. per day, still they being done at 5 per cent. government was only charged about 12l. 10s. —Did you account to government for the 3½d. a day on all the bills you negociated? Yes.—It appearing that bills to the amount of 2,195,000l. were negociated by you between 24th October 1800 and the 8th December 1801; are the committee to understand that the 3½d. per day was paid back by you to government on all those bills? Yes, exclusive of a small loss at first, as explained in my evidence before the naval commissioners.—Did government lose the 3½d. for the first day's interest on all those bills? No part of it; on the whole sum of 4,300,000l. not a shilling.—That being the case, is the statement in that part of the eleventh report, where it is asserted that government lost one day's interest on 26,053,812l. 3s. 6d. issued previous to the 19th December 1801, supposing that sum to include the 2,195,000l. negociated by you before the 19th December 1801, a correct statement?—Most certainly not.

The further examination of sir Andrew Snape Hamond, bart. taken the 31st of May, 1805.

In the appendix to the eleventh report, there is only the letter of Mr. Long, No. 6, directing the one 500,000l. did you receive subsequent orders from him for the issue of bills afterwards delivered to Mr. Glenny, and up to what period? I received specific orders for each issue of bills, originals of which orders I now produce; I received those orders from Mr. Long, while he remained secretary to the treasury; the orders were generally given to the amount of 500,000l. at a time; but the bills to Mr. Glenny were only made out as the money was required.—Had you any conversation with Mr. Vansittart or other gentlemen belonging to the treasury, respecting the issue of bills delivered to Messrs. Donaldson and Glenny, on or after the 9th of September 1801? Yes, I remember having a conversation with Mr. Vansittart about the first week in September in that year, on the subject of the deficiency of the grants, and of their not holding out to the end of the year, and stated to him that there was a prospect that the deficiency would be upwards of 2,000,000l. for notwithstanding the considerable additional sum which had been voted for the augmentation of 15,000 seamen in the beginning of that year, yet it was found in September not to be equal to the year's expenditure by the sum I have already stated.—What did Mr. Vansittart desire yo to do in consequence of that representation? Mr. Vansittart proposed to resort to the same mode of paying the navy bills that might become due, as had been adopted the year preceding; and here I think it necessary to state to the committee, the great increase of expence that was incurred in that year, besides the high price of all naval stores, by the augmentation of the fleet, as, to the best of my recollection, between the beginning of February and end of June 1801, there were upwards of eighty ships, frigates, sloops, and gun-brigs put into commission, in addition to the fleet which was the subject of the estimates of that session.—In what manner are the navy estimates formed? One estimate is formed according to the number of men voted by parliament, at the rate of 7l. per man per month, including 5s. per man per month for ordnance, which goes directly to the ordnance board, the remaining 6l. 15s. includes wages, victuals, and wear and tear: there is another estimate called the ordinary estimate, which includes the whole of the civil establishment of the navy, as well as the expences of the ships in ordinary: there is likewise an extra estimate, which includes the expence of building and repairing, and wages to workmen in the dock yards, and various other objects; these three heads comprehend the estimates prepared by the navy and victualling boards: there is also another estimate made out by the transport board, for transport services, and for care of prisoners of war, and likewise one from the sick and hurt board for sick prisoners: should there be a surplus, which sometimes happens, that is carried to the credit of the next year: On these five estimates the whole of the grants for the naval services of the year are voted, and if those grants are not sufficient to pay the expence of the year, the overplus becomes an increase of debt, which is regularly stated to parliament in the ensuing year, the account being made up to the 31st December annually.—Are there are any instances in your recollection of any addition being made to such grants for the services of the year, in consequence of any subsequent occurrences? Previous to voting the seamen at 7l. per man, and when they were voted only at 4l. there were frequent aids granted by parliament to a considerable amount; since that period there have been some aids, which, to the best of my recollection, were about 300.000l. in 1799, 1,000,000l. in 1801, and 2,000,000l. in 1802; but, as I speak from recollection, I would recommend to the committee to call for an account.—Do you mean to speak of any other aids than either an augmentation of the number of seamen, or a vote in discharge of navy debt, or an application of the vote of credit, or of a part thereof, to the naval service? I desire, by way of answer to this question, to refer to the votes and journals; the committee may know the particulars by calling for an account from the navy office, in which the whole will be specifically stated.—In what form is the increase of debt, you have before mentioned, stated to parliament? By a paper which is entitled "The Debt of the Navy," and contains the various articles of the navy expenditure that remain unpaid.—When did the high price of all naval stores, referred to by you take place? It began in the year 1800, when the emperor of Russia shut his ports against the exportation to this country of all naval stores, and continued until the preliminary articles of peace were signed; during that time some of the most expensive articles were procured circuitously through neutral merchants.—Was there any great increase between the latter end of 1800 and June 1801? I believe it will appear that during that period, hemp rose in the London market, to about 80l. a ton, from about 61 or 62; this will appear more correctly from the printed "current prices; other naval stores rose considerably, though perhaps not in the same proportion.—When were the orders for the augmentation of the fleet in the year 1801, before alluded to by you, first given? I believe in January 1801, on the determination to send a fleet into the Baltic.—Were the fifteen months navy-bills regularly paid when they became due? To the best of my recollection they were generally funded before they became due.—Were those which were not funded before they became due, paid when they became due? I do not recollect any being in arrear of payment; I do not recollect any in arrear, nor any renewal.—Did such an unforeseen advance in the price of naval stores take place in the last six months of 1800, as could neither have been anticipated in January 1800, nor be taken into the naval estimates at the time of their computation, in the early part of that year? With respect to the provisions, I cannot tell from my own knowledge, but refer to the paper on the table of the committee from the victualling board; but with respect to naval stores, and particulary foreign articles, the increase of expence principally arose from the hostility of the emperor of Russia, which was not known till about the beginning of the month of August.—Have you any objection to state the reasons why you objected under the 5th sec. of 43 Geo. III. c. 16. to answer a question put to you by the commissioners of naval enquiry, which is stated in the appendix to the eleventh report? I have no objection to give my reasons for having declined to answer the question put to me by the commissioners of naval enquiry. It was not from any consciousness of having acted illegally or improperly, but as they had had all the authorities for some time before them, on which I as comptroller and the navy board acted, viz. the navy board patent; order in council of 1796; the admiralty order relative to it, together with the treasury order for the issue of the bills; and believing their question tended to draw forth some crimination of myself, and not knowing what they might be acquainted with, and of which I was ignorant, I thought it right to object to answering the question.—Were you aware, or are you now aware of any thing in the authorities which you have enumerated, or in the acts of the 34th and 37th of the king, regulating the issue of navy bills, which makes the conduct of the navy board in issuing the bills to Mr. Glenny, and Messrs. Donaldson and Glenny, illegal or improper?—I was not then, nor am now.—Are you aware of any other authorities by which the conduct of the navy board in the issue of navy bills is regulated? I am not.—Did your refusal to answer the question arise solely from the apprehension that the commissioners might be acquainted with some authority, by which the issue of such bills was made illegal or improper, with which authority you were yourself unacquainted? It did.—Did you conceive, when you were under examination before the commissioners of naval enquiry, that you were justified by 5th sec. of act 43 Geo. III. c. 16. in declining to answer any question, under the general apprehension that such answer might possibly criminate yourself, without being aware of any particular ground upon which it was probable that it would do so? I was not aware of any particular ground on which I might criminate myself by the answer, except, as I have said before, that the commissioners might be acquainted with some law of which I was ignorant, and therefore I thought myself fully justified in declining to answer the question.—Previous to the act of 34 Geo. III. what was the state of the navy bills with respect to the time they had to run, and what was the usual course of payment? They bore an interest after the first six months, but having no certain time of payment, they were generally at a very considerable discount, insomuch that I believe at the end of the American war they were upwards of 18 per cent. discount.—Do you remember at what discount they were immediately before the passing of that act? I believe they were nearly about 15 per cent. to the best of my recollection.—Were those bills issued for the same species of services for which the fifteen-months bills, and ninety-day bills, have been issued? Yes, they were.—Was the account of the navy debt made up at that time, as now, to the 31st of December in each year? Yes, exactly the same.—Did such of those bills as were outstanding make part of the navy debt, an account of which was laid before parliament? All the bills outstanding on the 31st Dec. in each year, composed one of the articles in the navy debt, which was laid before parliament.—Was the amount of navy debt at that time limited by any act of parliament, or previous resolution of the house of commons? Certainly not.—Was the credit of navy bills considerably redeemed by the operation of the act of the 34th of the king, limiting the term of payment of the bills to fifteen months? It was for a time; and at the commencement of it the bills bore a very small discount, but as the war went on and money became more scarce, the discount progressively increased until the end of the year 1796, when it amounted to upwards of 14 per cent. which was a loss to the public.—Were such of those fifteen months bills as were outstanding at the end of each year, part of the navy debt, annually laid before parliament? Yes.—Was the credit of navy bills considerably redeemed by the act of the 37th of the king, which made them payable in 90 days? I conceive it to be the most beneficial act that ever passed for the payment of the navy, as it totally did away the possibility of any discount whilst their credit was supported; and in the first year after the act passed, namely, 1797, there was an actual saving to the public (supposing the discount to have continued at the rate it was at previous to the passing of the act) of 8 or 900,000l. and in the subsequent years, when the expenditure was larger, the saving must have been considerably greater; the committee will therefore see the great consequence it was of to prevent these bills getting into discredit.—Is it not probable that, even upon the same scale of expenditure, the discount would have been much greater in the subsequent years if the act of 37th Geo. III. had not passed? My opinion is, that had not that act passed, the discount would have considerably risen from the progressive manner in which it did rise in the latter part of the year 1796.—Are you of opinion that a great saving had also been made in the prices of all naval supplies, in consequence of the certainty that the contractors had of being paid with punctuality? This mode of payment the navy board considered so much better for the merchant, that they exacted a credit of three months before they issued the bills to the contractors, by which a considerable saving of course accrued to the public; and I have no reason to believe that the contracts upon all great concerns, were not made upon as beneficial terms for the public as if they had been paid in ready money, for I believe the goods were purchased at as low a price.—Have these ninety day bills fallen to a discount at any period since their first issue? No.—Do you believe that they could have maintained their credit, if any holder of them, when he presented them for payment, had not been satisfied? Certainly not.—Do you mean that no holder of a ninety-day bill was ever delayed when he presented it for payment? I can only say that such a circumstance never came to my knowledge.—Were such of these bills as were outstanding at the end of the year, part of the navy debt, annually laid before parliament? Yes.—Were such of those bills issued to Mr. Glenny, and Messrs. Donaldson and Glenny respectively, as were outstanding at the end of the years 1800 and 1801 respectively, part of the navy debt laid before parliament in the ensuing years? Yes; those issued in the last three months of 1800, stood in the navy debt of the 31st of December as bills outstanding; those that were issued in the early part of 1801, were of course paid off in that year when due; those issued in the last three months of that year, stood in the navy debt of 31st December as outstanding.—Have you a list of those bills, distinguishing such as were paid in the year in which they were issued, and such as form part of the navy debt, laid before parliament in the ensuing year? Yes, and which I now produce; it will state when the bills were paid off, as I have described *.—Were these bills ever at a discount? Never. — Under what description were these bills submitted to parliament? Under the head of 'bills outstanding in the navy debt.'—Were there comprised under that head other ninety day bills, regularly issued for the current service of the navy? Yes, there was no distinction whatever made. —You having stated that the fifteen-months bills were at times at a considerable discount, did not that proceed from the amount of them kept in circulation? The amount of them I think might have had some effect, but the principal cause I take to have been that they only bore 4 per cent. interest, which unfortunately laid a ground for the discount from the first day.—Are you able to state whether the average amount of fifteen-months navy bills, in circulation from 1794 to 1797, considerably exceeded the average amount of the ninety-day bills from the period of their being first issued? I am not, from memory, able.—Are you of opinion that the introduction of the ninety-day navy bills has considerably lessened the amount of navy bills in circulation? Most assuredly.—You, having in one of your answers to the commissioners of naval enquiry (page 498 of the eleventh report) stated, "that the expedient of issuing new bills to pay those becoming due, was absolutely necessary to keep up their credit;" would it have been so if the treasury had supplied the treasurer of the navy with money for that purpose, derived from other sources? No.—In number 19, in the appendix to the eleventh report, the amount of nintey-day bills, issued from the navy office from the 26th December 1796 to the 19th of December 1801, is stated at 19,747,835l. 11s. 11d. in pages 516 and 518, appendix no. 10, the amount of the bills issued to Mr. Glenny, previous to 19th December 1801, appears to be 2,195,000l.; is the amount of those issued to Mr. Glenny included in the said general amount, no. 19? It is.—What was the rate of interest that the public paid for the bills discounted by Mr. Goldsmid? The bills to Mr. Glenny had an interest upon them of 3½d. per diem; but when Mr. Goldsmid discounted the bills, he discounted them at 5 per cent. per annum; the difference was rendered back to the navy office in his account.—Was there any other charge attending the negociating of those bills, besides Mr. Goldsmid's brokerage of 1-8th per cent. There was not.

The further examination of sir Andrew Snape Hamond, bart. taken the 1st of June 1805.

Is there any period of the year at which the navy board takes into particular consideration the adequacy of the grants to the probable exigency of the service? In the month of September the navy board endeavours to collect, from the several dock yards and the different departments of the navy, the whole of the expenditure and debt, which is made up on the 30th of September, and is called "a catch debt," as being only a rough calculation; but on the 31st of December a more exact estimate is prepared for parliament, which is called the navy debt for the year.—Does the estimate so formed in September enable the board to ascertain how far the grants of the year will be adequate to the services? It certainly does enable the board to form an opinion on what may be required for carrying on the service to the end of the year, and unless any particular articles of expence or diminution of expenditure shall at that time appear, the calculation is made by taking one-fourth part of the grants in the year; and this estimate is communicated to the treasury and admiralty.—Is that period, then the earliest at which this official communication is ordinarily made? It is.—Can you state what part of the whole sum of 4,300,000l. issued on ninety-day bills to Messrs. Glenny, was applied towards the discharge of part of those bills, and how much remained to supply the actual deficiency of the naval grants of the respective years? I cannot answer it from memory, but must refer to the office, if the committee should choose to call for such an account, but which I conceive would be very difficult to make out.

The examination of the right hon. NICHOLAS VANSITTART, *taken the 1st of June* 1805.

Will you state the circumstances that led to the issue of navy bills to Messrs. Donaldson and Glenny, in September 1801? In the beginning of September 1801, when the navy board laid their annual estimate before the treasury, of the sums which would be wanted for the naval service during the remaining months of the year, I had a conversation with Mr. Alcock, the chief clerk in the revenue branch in the treasury, on the great deficiency which appeared upon comparing that estimate, which amounted to about 5,166,000l. with the sum remaining in the exchequer of the naval grants for 1801, which was only 1,584,000l. I must observe to the committee, that this latter sum is some-

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* Note.—This list, afterwards, appeared not to be sufficiently distinct, and was withdrawn. *Vide* Sir Andrew Snape Hamond's answer to the last question put to him 1st June; infra p. clxvi.

what different from what appears in the account from the navy office, laid before the house of commons on the 21st May last, in which the sum remaining unapplied of the grants for naval services for the year 1801, on the 1st of September in that year, is stated at 2,803,058l. because this latter sum includes 1,000,000l. which was paid out of the vote of credit to the treasurer of the navy, by a subsequent order, and also includes the balance in the treasurer of the navy's hands. On conversing with Mr. Alcock on the means of supplying this deficiency, we first considered how much of the vote of credit might be applied to naval services, and as very large sums were drawn upon the paymaster general and the treasury, for the expences of the army in Egypt, we agreed to represent to the chancellor of the exchequer, that not more than 1,000,000l. could be applied to naval services, and that sum was afterwards accordingly paid to the treasurer of the navy. Mr. Alcock then said, that if it was thought unadviseable to call parliament together early enough to pass a vote of supply for naval service, before the time when the grants for the year would be exhausted, a temporary accommodation might be obtained by selling navy bills, which he said had been before practised in cases of great difficulty. I said that such a mode appeared to me irregular, but that I would speak to sir Andrew Snape Hamond about it, and recommend it to the chancellor of the exchequer, if it appeared to be indispensably necessary for the public service. I accordingly saw sir Andrew Snape Hamond, and we agreed, upon conversation, that it was the best expedient which the exigency of the case admitted of. I then submitted the result of our conversation to the chancellor of the exchequer, and he said that it was of so much importance to postpone the meeting of parliament, till the negociations for peace then pending, could be brought to a conclusion, that it was necessary to carry on the service in the mean time by such means as could be devised, and, upon the whole, he approved of this expedient as the least objectionable which occurred to us.—What was the reason for the issue of these bills being continued to the 5th of May 1802? Parliament met the 29th of October 1801, and a vote of supply for the navy, for three months, passed on the 9th of November; on the 12th of February following, the sum of 2,000,000l. was granted for the reduction of the navy debt; but, as during the whole of that time the negociation for a definitive treaty of peace was carrying on, it appeared to the chancellor of the exchequer to be impossible to conclude a loan on fair terms, between the public and the contracting parties; and as the only means of raising money for the public service, beyond the produce of the annual taxes, was by issuing exchequer bills on the instalments of a future loan, it was impossible to raise a sufficient supply of cash to pay off the navy bills, which had been renewed, and at the same time to provide for the current service. On the 11th of March two months further supply was voted upon estimate for the navy; the definitive treaty was signed the 27th of March, and upon the 5th of April the loan was contracted for; on the 15th the loan act received the royal assent. At that time 8,100,000l. had been raised by exchequer bills, viz. 5,000,000l. by a vote on the 11th December 1801; 2,100,000l. on the 24th of February; and 1,000,000l. on the 19th of March, on the loan; and on the 14th of April, the day preceding the passing of the act, the whole of the ways and means which had been granted by parliament, were entirely exhausted, the first instalment of the loan was therefore absolutely necessary for the current service, except what was paid in the discharge of the exchequer bills granted upon it; but upon the second instalment of the loan, the sale and renewal of navy bills was put a stop to, and has never since been renewed.—Can you state to the committee in what manner the sum raised by the sale of navy bills, in the years 1801 and 1802, were ultimately replaced by parliament? I believe they were paid off as they became due, together with other bills bearing the same dates, partly out of the votes for the current service of the year, and partly out of the vote of 2,000,000l. for reduction of navy debt.—Can you state out of which particular vote for the current service of the year? I cannot, for I believe it to be the practice to pay navy bills as they become due, out of any monies in the hands of the treasurer of the navy, applicable to any naval services.—When the 8,000,000l. of exchequer bills, you have mentioned, were issued, between November 1801, and May 1802; do you recollect what discount exchequer bills were at the most of that time? I cannot answer positively from recollection, it may easily be ascertained by reference to the printed stock papers, but I believe they were at no discount whatever, partly because being charged on the instalments of the loan, they were very acceptable in the city, and partly because the unfunded debt had been greatly reduced, by funding eight millions and an half of exchequer bills in November 1801.—Do you think if the issue of navy bills had not taken place in that period, and similar sums had been raised by exchequer bills, that those bills would have been at a discount? I believe that there would have been great difficulty in raising money on exchequer bills during part of that period, previous to the funding exchequer bills in November, and that exchequer bills would have been at a considerable discount, if more had been thrown into the market at subsequent periods; as one circumstance which I omitted to mention, was, that in the course of that period, the bank made considerable advances upon exchequer bills; but previous to the meeting of parliament no further issue of exchequer bills could have taken place, beyond the grants for the year, without a direct breach of the act of parliament.—What amount of exchequer bills would have answered the purpose of government, so as to render it unnecessary to issue navy bills? I do not know what the actual amount of money raised by the sale of navy bills may have been, without which it is impossible to answer that question; but I have already said, that I think the issue of exchequer bills was carried as far as it could be without material inconvenience.—Did the outstanding navy bills, issued in consequence of the excess of the expenditure above the grants of the preceding year, form a distinct item of the navy estimates for the year 1802? The amount of navy bills does not appear upon the navy estimates, but it forms a part of the account of navy debt laid before the house of commons, made up to 31st December in each year.—The navy bills issued to Donaldson and Glenny, during the years 1801 and 1802, being continued for the purpose of paying off those first issued, did not government pay interest upon the interest, as well as the principal of the money first raised? I take it for granted, that if government were obliged to pay off navy bills as they became due, by means of borrowing money in whatever way, they must pay interest for what was applied to discharge the interest upon the navy bills, as well as the principal.—Supposing the interest to be at the same rate upon the navy bills issued to Donaldson and Glenny as upon other navy bills, did any peculiar disadvantage arise to government, in respect to the interest payable on the bills to Donaldson and Glenny, that would not have arisen upon the other bills?—None whatever, so far as I am a judge.

The examination of the right hon. JOHN SULLIVAN, *taken the 1st of June* 1805.

Had you, between the 18th February and 21st April 1804, any direct personal communication with earl St. Vincent, on the subject of the stone expedition? I had, I believe, three or four such communications with earl St. Vincent on that subject; one I particularly remember having, in consequence of some suspicion cast upon one of the parties employed for the purpose of that expedition, required of the person to accompany me to earl St. Vincent, and, having requested of earl St. Vincent to examine that person upon the subject of that suspicion, I left the person in earl St. Vincent's closet, and went away, and was afterwards informed by earl St. Vincent that he was satisfied by the examination.—Was earl St. Vincent that member of the admiralty board with whom you had principally communication on the subject of the stone expedition? He was.—Had you any conversation with him previously to the 18th February? I do not recollect positively as to the dates.—In any of the conversations which you had with earl St. Vincent, respecting the stone expedition, did he express to you his disapprobation of it? He did not.—Did it appear from any thing that passed between you and earl St. Vincent personally, that he was apprised that the preparations for that expedition were conducted by the comptroller of the navy? I do not recollect having had any conversation with earl St. Vincent, relative to the preparations having been placed under the directions of the comptroller of the navy; but I know that the secretary of state did, by letter, inform earl St. Vincent that he had placed the management under the comptroller of the navy; I believe it bears date the 9th of February.—Do you know, of your own knowledge, whether there was an answer to that letter? I do, and it will be found in the secretary of state's office.—Did you, upon the whole of the transaction, conceive that the secret naval service for which the sum of 16,000*l.* was advanced to Messrs. Hammersley, was performed under the express authority and direction of the earl St. Vincent? I understood sir Andrew Snape Hamond to act in this service under the direction he had received from the secretary of state, which direction was by the secretary of state communicated to earl St. Vincent.—By what authority did you signify to sir Andrew Snape Hamond, on the 18th of February, that earl St. Vincent approved much of the direction of the expedition being with him (sir Andrew Snape Hamond)? On the authority of earl St. Vincent's letter to the secretary of state on that subject, before referred to.—Did you understand earl St. Vincent to know, that it was intended to defray the expence attending the stone expedition, in the first instance, from the money voted for naval services? I did understand earl St. Vincent to know that the money for that service was, in the first instance, to be furnished by the comptroller of the navy, under whose direction it was placed, but that it was finally to be replaced by the treasury.—Do you understand earl St. Vincent's opinion, expressed in his letter to sir Andrew Snape Hamond of 10th March, that the whole expence was to be defrayed by the treasury, to refer only to the ultimate replacing, by the treasury, of the money so applied, in the first instance, by the comptroller of the navy? That certainly is my understanding of the words.—Was it from your own personal communication with earl St. Vincent, that you formed this opinion? I formed this opinion principally from the written communication that was made by the secretary of state to earl St. Vincent on the subject, and to which I have before referred.—Do you know of any order having been given by earl St. Vincent relating to this expedition? I do.—Was it a verbal order, or in writing? It was a letter from earl St. Vincent to lord Keith, I believe, of 23d February.—In whose possession is that letter? I apprehend lord Keith's.

The examination of Ewan Law, *esq. taken the 3d of June* 1805.

Were you one of the commissioners of naval enquiry present at the first examination of Mr. Abraham Goldsmid, no. 11, of the appendix to the eleventh report? I was.—Is the evidence which was given by Mr. Goldsmid before the commissioners of naval enquiry, on the 25th June 1804, fully stated in that number of the Appendix to the 11th report? If it is meant whether all that Mr. Goldsmid intended should be considered and taken down as answers to the questions put to him, I believe it is; I know not that any thing was omitted.—Do you mean all that Mr. Goldsmid intended as answers to the five questions reported in no. 11, or all that he intended as answers to all the questions put to him on the 25th June 1804, on the subject of the issue of navy bills to Mr. Glenny, or Messrs. Donaldson and Glenny? I am not aware of any other answers that he gave that were immediately applicable to the issue of those bills, though I must observe that it is very possible, that in the long description of a variety of matters which he chose to enter into, there may have been things in his conception of the subject, at the time or since, which he may think might or ought to have been taken down; what I mean is, that there was no intention in the commissioners of naval enquiry of withholding from their report any thing that was material to the subject under their investigation. I think it likewise proper to observe to the committee, that, previous to Mr. Goldsmid's examination of the 25th June 1804, stated in the appendix to the 11th report, he was on the same day (and I think without any other examination intervening) examined respecting the issue of exchequer bills to the treasurer of the navy, which examination appears in the appendix to the 10th report. Were any other questions in writing, relative to the issue of the bills to Mr. Glenny, or Messrs. Donaldson and Glenny, put to Mr. Goldsmid on the 25th June, except those which appear in no. 11? I have no recollection of any other questions so put to him, nor do I believe that any others were so put to him than those which appear in no. 11.—Do the commissioners of naval enquiry always reduce to writing those questions which are put to the witnesses before them, as a part of their examination? It is their constant practice so to do.—Have you any reason to believe, that that practice was deviated from in the examination of Mr. Goldsmid on the 25th of June, as stated in the 11th report? I have not.—Did the commissioners reduce into writing the whole of the answers given by Mr. Goldsmid on 25th June, to the questions then proposed to him in writing by the commissioners, and set forth in no. 11? Whether all that Mr. Goldsmid said, between the time that the question was read to him, and the answer given, as it appears in the examination, was taken down, it is impossible for me to say, as he was with great difficulty brought back from his own digressions to the consideration of the questions put to him; but that the answer taken down was the answer which he rested upon, and all that I believe he considered necessary to state, I am fully convinced. Our method is after a question is proposed to the witness, and his answer taken down, immediately to read to him both the question and his answer, that it may be then corrected or added to in any way that he may think fit; when the examination is concluded, all the questions and answers are again read over to him, and the witness is at that time particularly desired to attend to see that his evidence is correct, and is then allowed to expunge, alter, or add to any part of it, in the manner he pleases. If I am asked whether all that Mr. Goldsmid said, during the time that he was in the board room was taken down, I should certainly say I believe not one hundredth part of it, as he entered into a history of himself, and a variety of matters not material in any shape to the subject of his examination; but, as I have before observed, there was no design in the commissioners to keep back any part of the evidence, nor do I believe that it was done.—Was there on that day any examination of Mr. Goldsmid, by the commissioners, except by questions in writing? Not what I consider as examination.—Were there any questions put to Mr. Goldsmid, or any conversation between Mr. Goldsmid and the commissioners, or any of them, tending to impress upon their minds the utility of, or advantage to the public, resulting from the issue of the navy bills to Mr Glenny, and Messrs. Donaldson and Glenny? I do not recollect any such questions or conversations, though I will not undertake to state all that passed in the conversations, with Mr. Goldsmid.—If such questions or conversations had passed, should you have considered them as a material subject of your investigation, so as to have induced you to have taken them down by way of regular question and answer, as part of Mr. Goldsmid's examination? The examination of Mr. Goldsmid related to the share that he had in the negociation of these bills; I do not know that I should have looked to him for an opinion as to the utility or necessity of the measure, and I should not probably have considered it necessary to have it taken down; but the committee will be pleased to consider that I am here speaking for myself individually.—Was there any difference of opinion between the commissioners present, as to the propriety of omitting any thing that Mr. Goldsmid said, while before you on 25th June, which you have stated was not thought fit to reduce into writing? I do not know that there was any difference of opinion, because I do not know the matter became a subject of discussion.—Did the commissioners of naval enquiry consider the question of the necessity or utility of issuing the bills negociated by Mr. Goldsmid, for the support of public credit, to be a point connected with the subject of their enquiry? It did not appear to us that it was requisite to make any particular enquiry into the necessity of the measure, judging that whatever the exigency might be, the proper mode of providing for it, was by an application to parliament; with respect to the advantage or utility of the measure, we did not consider that there was any objection to it on that account; the money was raised at a very moderate rate of interest or expence, and possibly in a cheaper way than it could otherwise have been procured; we took care in our report, to guard against any imputation of corrupt or improper means of carrying the measure into execution, it was what we conceived the illegality of it, which we thought it was our duty to notice; the cheap rate of raising the money was so obvious, that it did not seem to require any enquiry to substantiate that fact. I would here also wish the committee to consider me as giving particularly my own opinion on the subject, though I am not aware it differs from that of the other members of the board.—If any witness had stated to you any fact or opinion, tending to shew the necessity or utility of the measure in question, should you have thought such a statement irrelevant to the matter then under your consideration? We have never refused to put down whatever might be offered in evidence by any witness, without considering whether it was immediately relevant to the subject matter of the investigation going on, I probably should not have thought matter stated on the necessity or utility of this measure sufficiently material; but there are so many shades of difference both in the matter and manner of what may be stated in such a case, that I should rather have been asked as to a particular matter of fact, than what I might or might not do under particular circumstances; but if any thing had been said in the way of evidence, it would have been taken down. I conceive in this point the commissioners must exercise a proper discretion.—If Mr. Goldsmid had stated to you, that the measure in question was in his opinion indispensably necessary, or materially useful for the support of public credit, and had offered to your consideration facts and reasonings in support of such an opinion, should you have thought it proper or not to have entered into that enquiry? I have already stated my reasons for thinking it was not indispensably necessary, which I am not inclined to think any account that Mr. Goldsmid could have given would have altered; I might not therefore have thought it necessary to have proceeded further in the enquiry as to this point. I have already stated, that I do not recollect that such a statement was made by Mr. Goldsmid, and I hope this committee will allow me to object to answering questions of this sort in matters to which I cannot speak upon recollection.—[Question repeated.]

The further examination of Ewan Law, esq. taken the 5th of June 1805.

If Mr. Goldsmid had stated to you, that the measure in question, was in his opinion indispensably necessary, or materially useful for the support of public credit, and had offered to your consideration facts and reasonings in support of such an opinion, should you have thought it proper or not to have entered into that enquiry? Had it occurred to me to take into consideration what I should have done, had such representations been made by Mr. Goldsmid, I should have probably been now able to answer the question, but that not having been the case it is morally impossible for me to do so, as I cannot say what I should have done at the time under such circumstances; I have, however, no hesitation to state that which I now think upon the subject, namely, that what Mr. Goldsmid might have said on the necessity or expediency of the measure, would not have induced me to propose the entering into the enquiry; I beg leave to add, that as I before stated, that I did not recollect any such communication as that alluded to having been made by Mr. Goldsmid; I am now confirmed in my opinion that he has been mistaken in stating that he had made such a communication.—Can you now state possitively, on your further recollection, whether Mr Goldsmid did or did not state any thing on the subject of the necessity or utility of this measure? I cannot say positively, but I firmly believe he did not.—You having stated that Mr. Goldsmid went into very long degressions, are you confident in your belief and recollection, that no part of those digressions related to the necessity or expediency of the measure? I do not recollect, nor do I believe that they did.—You having stated you believed that not one hundredth part of what Mr. Goldsmid stated before the commissioners of naval enquiry, is recorded in their report, do you mean that no part of the remaining ninety-nine parts had reference to the necessity or expediency of the measure? I do mean that I believe so.—Were the questions put to Mr. Goldsmid on the 25th of June, and recorded in the report, prepared beforehand, or were they framed out of the matter that arose in the course of his examination? I firmly believe that they were prepared beforehand.—Did you conceive, then, that nothing was material to your enquiry, so far as Mr. Goldsmid was concerned, except the matters to which those questions so previously prepared were directed? I do conceive that to have been the case; had any other questions occurred to me at the time, I should have proposed them to have been taken down.—Did the naval commissioners put no other questions to Mr Goldsmid than those which are recorded in the report? I am not aware of it, but I cannot speak positively to this point, there possibly might have been explanatory questions, or others which I do not recollect.—If there were any other questions put to Mr. Goldsmid, were they put to him after he had been sworn? I should imagine they were.—Did the naval commissioners put questions, or receive the evidence of any other person, touching the necessity or utility of the measure? No other questions were put that I recollect, but such as appear in the appendix to the 11th report.—On what foundation or evidence did the naval commissioners state, that they could not admit the measure to have been indispensably necessary for the support of public credit (*vide* 11th report, p. 486.)? They proceeded on the idea, that the irregular method adopted for raising money could not be indispensably necessary, when parliament could have effected the supply by other means. I must own it did not appear to me necessary to call evidence to that point.—When the naval commissioners state themselves to have enquired, whether the difficulties in obtaining money for the service of the navy, stated to have existed in the years 1800, 1801, and 1802, arose from any unusual deficiencies in the navy estimates for those years, do you conceive that that enquiry had no reference to the necessity or expediency of the measure in question? It might refer to the measure of raising money, but I do not conceive that it related to the necessity or expediency of taking that method of doing it—Were the naval commissioners apprized of the manner in which the navy estimates are prepared? I do not know that they were very perfectly informed upon that subject; but I think some information was given to them by sir Andrew Snape Hamond in his evidence; it may be useful here to observe, that the intention of the commissioners of naval enquiry being to state a matter of irregularity sufficiently obvious from the nature of it, they did not go into an investigation with that minuteness which they might otherwise have done.—Was it not the intention of the commissioners of naval enquiry, to state any circumstances that might tend to justify or extenuate the act which they thought illegal? The commissioners directed their enquiry principally to what regarded the conduct of the naval department placed under their inspection, in the issue of the bills in question. The state of the exchequer, and other matters politically relating to this subject, belong to the department of the treasury; they therefore did not carry the enquiry so far as to enable them to state what circumstances might be brought in justification or extenuation of the measure.—Did the commissioners consider the prices of victualling and naval stores in the years 1800 and 1801, as matters under the cognizance of the naval department of government? Certainly. — Did they make any enquiry into the prices of naval and victualling stores at the period when the bills in question were issued? They did not.—Does the observation made by the naval commissioners (p. 486 of the 11th report); viz. "it was certainly proper that the public credit should be supported; but we cannot admit that this measure was indispensably necessary for that purpose," refer to the conduct of the naval department, or to that of the department of the treasury? The observation made in the report applies to part of an answer given by sir Andrew Snape Hamond (pages 497 and 498) viz. "the great object therefore was to keep up the credit of the ninety-day bills; and as no fund was exclusively set apart for the payment of them, the amount being perfectly uncertain, the expedient of issuing new bills to pay those becoming due, was absolutely necessary to keep up their credit;" the ministerial part of the transaction belonging to the navy board, and we have stated that they had orders from the lords of the treasury for the issue of these bills; but if the public credit was to be supported, it could only be done by measures carried into effect under the orders of the executive government; and in that light the observation refers to the department of the treasury.—Did not the necessity so stated by sir A. S. Hamond, refer to facts and considerations principally in the cognizance of the executive government? Yes, I think they did.—Did the commissioners think themselves at liberty to enquire into any thing that the treasury might have to alledge in their justification? They did not.—Is all that sir A. S. Hamond stated, by way of objection to answer the question put to him in page 498, fully stated in that part of the appendix? I believe the whole is very exactly stated.—Had you been led to understand, when sir A. S. Hammond objected to answer that question, that he did so without having in his contemplation at the time any specific grounds upon which such answer would have criminated himself; would you have admitted the validity of such objection? Certainly not; I took it for granted that his objection applied to the question put to him, relative to the power of the navy board or comptroller to draw bills otherwise than for services performed, &c. as it was directly in answer to that question that his objection was made.—Did any thing pass at any subsequent period, to lead you to believe sir A. S. Hamond had declined answering that question, without having any specific grounds for apprehending that the answer might criminate himself? There did not; I considered sir A. S. Hamond's objection to answer, to be that which alone entitled him to be permitted to decline it, namely, what is set forth in the 5th clause, and nothing did occur afterwards to make me alter my opinion.—It appearing in page 502, that the commissioners asked the following question of sir A. S. Hamond. "Did the expences of the navy, since the establishment of the ninety-day bills, in the years in which money was raised by the bills issued as before described, exceed the estimate in a greater degree than the years preceeding in which this measure was not had recourse to;" and that sir A. S. Hamond's answer was as follows: "I must refer to the expence of the navy for those years, for an answer to the question;" was sir A. S. Hamond or any one else desired by the commissioners to make a reference to the expence of the navy for those years? I believe not.—Were there upon Mr Goldsmid's examination, before any written questions were put down, several conversations by him with the commissioners, to make them understand the use of the measure, conducted by way of question and answer, as here? Certainly not.—If there had been any such conversations so conducted, do you think you must have recollected it? I think I must.—Was there a rough copy made of Mr. Goldsmid's examination, and was there a fair copy afterwards made for him to sign? I have no doubt but there was.—Was any alteration made in the fair copy, other than by his desire or with his assent? I am not aware that any alteration was made in the fair copy, and I think I can speak with certainty, if there was that it was by his desire.—Did the fair copy correspond with the rough, and if it differed in any particular, was such difference made at the request or with the consent of Mr. Goldsmid? I do not recollect that there was any difference between the foul and the fair copy, and have no doubt that if any such difference had arisen, it would have been rectified, so that the fair copy should exhibit the question and answer as understood by Mr. Goldsmid.—Had Mr. Goldsmid, before he signed his examination, full opportunity given to him to make such alterations as he thought proper in the answers taken down? Certainly.—Was it clearly explained to Mr. Goldsmid, that he was entitled at that time to make any such alterations? I have no doubt that it was, because it is the established, and I believe, the invariable practice of the commissioners to do so.—Had Mr. Goldsmid any reason given to him by the commissioners to expect that any other evidence or examination, would be inserted by them in this report, except such as he signed in their presence? I believe there was not, and I think it impossible it should be so.—Do you mean that the whole of what was taken down originally in the course of Mr. Goldsmid's examination, was transcribed into the fair copy? I am persuaded that every answer given by Mr. Goldsmid was transcribed into the fair copy as given by him, unless any alterations were previously made in the foul copy by his desire.—Do you mean to state this respecting all the answers Mr. Goldsmid gave in the course of his examination, or only respecting those answers which were given by him to the questions which you have stated to have been previously prepared? I mean this to apply to any of the answers given by Mr. Goldsmid, if there were any given to questions not previously prepared. I have before stated my belief that the questions to Mr. Goldsmid were previously written, but it is possible (though I have no reason to think that was the case) that some of the questions might have been put down in the course of the examination. It is to be understood, that the preparing of questions does not exclude the introduction of other questions as they might occur.

The further examination of Ewan Law, esq. taken the 6th of June 1805.

When you speak of questions having been previously prepared, do you mean, prepared before Mr. Goldsmid came before you? Yes, I do.—You have stated a firm belief, that all the questions put to Mr. Goldsmid on the 25th of June, as they appear in the appendix to the 11th report, were so prepared beforehand, do you continue in that belief? I see no reason to think otherwise. —Is it not possible that other questions may have been put, and answers received to them which do not appear in Mr. Goldsmid's examination in the 11th report? I cannot speak to possibilities; but no question not put in writing is considered as such by the commissioners.—Explain what you mean by the word "such" in your last answer? I mean that no questions not taken down, and the answers thereto entered in the examinations, are considered as forming a part of the evidence upon which the reports are grounded; I meant to exclude whatever may pass in the way of explanation or conversation.—Do the original drafts of Mr. Goldsmid's examination remain? They do not; none of the foul copies are preserved; the examinations being signed by the parties, it is not thought at all necessary to preserve them.—What do you mean the committee to understand by the exclusion of explanations? I mean to state, that the commissioners take down whatever is proper in the course of the examination, but that they do not hold themselves bound to put upon their proceedings every word that passes in the board room, whether it be in explaining to witnesses the meaning of questions which they may not comprehend, or in calling their attention to answers which they may have given, which may not strictly apply: I think it unnecessary to go further in this matter, as the committee must be aware that it would be next to impossible to act otherwise; no witness is ever denied the opportunity of explaining himself on any subject, nor is his explanation if desired, or given with a view of being taken down in evidence, refused.—When Mr. Goldsmid was before the commissioners of naval enquiry on the 25th of June, was there any examination of him by the commissioners, whether verbally or in writing, conducted by way of question and answer, as here, except what appears in the appendix to the 11th report? There was not.—Would any exculpatory evidence given by Mr. Goldsmid be excluded from his recorded testimony, unless the terms of the question proposed to him went to that point? No part of Mr. Goldsmid's evidence would have been excluded.—Did the commissioners make any enquiry into the circumstances of the times when the issue of the navy bills took place, in order to ascertain whether any application to parliament was then practicable? They made no enquiry into the circumstances of the times.—You appear to have been present on the 25th of June, when Mr. Goldsmid was first examined, and on the 9th July on his second examination, do you recollect those days distinctly? There is nothing that occurs to my mind that enables me to answer the question in the affirmative.—Is the committee to understand that the evidence you have given, relative to the manner in which Mr. Goldsmid was examined, arises rather from a general impression of the mode of conducting business before the board, than from a recollection of each day, and the transactions of each day? I cannot immediately refer back to all the answers to the various questions that have been put to me respecting my recollection of facts, circumstances, and opinions, regarding Mr. Goldsmid's examination; when I have spoke to matters within my recollection, I mean them to have been considered as grounded on such recollection; whether connected with or assisted by a knowledge of the course of proceedings, I cannot pretend to say; but if any particular question is put to me on this point, I shall be able to give a more direct answer to it. I do not think it is in my power to distinguish from recollection what passed on each of those days respectively.—You mentioned, in a former answer, Mr Goldsmid's digressions in his evidence; can you recollect on which day he was led into the greater extent of digressions? I believe it was on the first.—Can you state on what you have founded that belief? I cannot state the facts, but such is the impression of my mind.—Can you state, from your recollection, what period of time did Mr. Goldsmid's examination on the 25th of June, contained in the appendix to the 10th and 11th reports, occupy? I cannot.—Can you state what length of time his second examination of the 9th of July took? I cannot.—You appear to have been present on 2d November, when the earl St. Vincent was examined before the naval commissioners; was the question which stands second* in that examination prepared beforehand, or framed after any conversation with earl St. Vincent at that time? It was framed beforehand.—Had the commissioners any conversation with earl St. Vincent on the subject of that question, previous to their putting the question to him, and taking down his answer? I think not.—Had they any explanatory conversation with earl St. Vincent upon the subject of that question, after having put it to him, and taken down his answer? If I recollect right, while the questions and answers were writing fair, some conversation took place with respect to the stone expedition, and that earl St. Vincent said this money cannot belong to that business, or words to that effect.—Had the question been communicated to earl St. Vincent previous to his coming before you? Not to my knowledge; I have no reason to suppose that it was.—Did any of the commissioners suggest to earl St. Vincent, at the time of his examination, that the secret service referred to might possibly be the stone expedition? I believe captain Nicholls, one of the commissioners, did suggest whether it might not possibly be the stone expedition.—Had the commissioners generally, or you personally, reason to know or believe that the secret service referred to was in point of fact the stone expedition? I cannot speak as to the knowledge or belief of the other commissioners; I had no knowledge or belief on the subject, at least there is nothing occurs to my present recollection to make me think I had.—When captain Nicholls suggested to earl St. Vincent the question, whether the secret service referred to might not be the stone expedition, did he assign any reason for that suggestion? I do not recollect that he did; the whole passed in the form of conversation.—When earl St. Vincent stated that it could not be the stone expedition, did he assign any and what reasons for that statement? I really do not recollect.—Did earl St. Vincent appear to be apprized of any other secret naval service carried on between 18th Feb. and 21st April 1804, for which money might possibly be issued? I do not recollect that he gave me any reason to think so. Can you account why the sum is stated at 14,000l. in the question put to earl St. Vincent, when in the body of the report, p. 492, referring to the appendix no. 4, it is stated at 16,000l.? I cannot; I imagine it is some mistake.—Did earl St. Vincent, in saying that this could not apply to the stone expedition, make any reference to the particular sum stated in your qeustion? I believe not.—In page 492 of the 11th report, the commissioners state the sum of 16,000l. to be advanced for the performance of a secret naval service, which was directed by one of his Majesty's principal secretaries of state, point out that part of the evidence from which you collected that this service was so directed? It does not appear that it is mentioned in the evidence, any otherwise than as it appears by an account in page 509, in the 11th report; stating, "that these bills had been issued by order of his Majesty's government for a secret service, which is not yet completed."—State to the committee on what evidence you reported this fact; viz. that this secret service was directed by one of his Majesty's secretaries of state? I am not clear whether any information did come from sir A. S. Hamond, or conceive Mr. Goldsmid to be a person competent to speak of the comparative advantage or disadvantage of different modes of raising money? I never considered whether Mr. Goldsmid was or was not competent; if I had formed a judgment from his manner, I should not have thought him competent—Did you consider the comptroller of the navy as the most competent person whom you could call before you, to enable you to form a judgment as to the comparative advantage or disadvantage of different modes of raising money? No—If the opinion of the board, formed on the discussions before referred to, had been favourable to the utility or necessity of this measure compared with others, would it have been stated in the 11th report? It is impossible for any individual member of a board composed of five persons, to state what would or what would not have been entered in a report to be drawn up by them.—Would it have raised a question amongst the commissioners, whether it would or would not have been stated in their report? I think it certainly would.

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* *Note.*—The question and answer here referred to, which are printed in the examination of the right hon. earl St. Vincent, K. B. taken upon oath the 2d November 1804, (appendix to the 11th report of commissioners of naval enquiry, see vol. 4. p. xxxv. were as follows: "It appearing, that the sum of fourteen thousand pounds was advanced by the navy board to Messrs. T. Hammersley and co. between the 18th of February and 21st of April 1804, for a secret service; was the comptroller of the navy authorized by you to perform any secret service for which this money was advanced, or had you any knowledge of the transaction?" "He was not; nor have I any knowledge of the transaction."

The further examination of Henry Nicholls, *esq. taken the* 10*th June* 1805.

Adverting to the question put to you the last but one on Friday last, would you, as a member of the board, have thought it right that it should be so stated? If the necessity or the utility of the measure had appeared in the several discussions before the board, I think I should have voted for its being stated in the report.—Were the commissioners aware that the navy estimates are framed with reference to the number of men voted, and not with reference to the prices of naval stores and provisions? I certainly was, and I believe the other members of the board were?—Were they aware that the excess of expenditure for the naval service beyond the votes of the year, makes part of the navy debt which is laid before parliament in the ensuing year, or did they make any enquiry into that subject? I really do not know whether they were aware of that circumstance or not, and I believe they made no enquiry into the subject.—Were they aware that the navy ninety-day bills outstanding at the end of each year, make part of the navy debt which is laid before parliament in the ensuing year, or did they make any enquiry into that subject? I do not know that they were aware of that circumstance, nor do I know they made any enquiry into that subject.—Did they enquire into the price of naval and victualling stores at the period of the first issue of the bills negociated by Mr. Goldsmid, in the year 1800? Certainly not.—Did they enquire into the state of the money market at that period, or at the period of the issue of the bills negociated by Mr. Goldsmid, in September 1801? They did not go into that enquiry or the enquiries before alluded to, because whatever were the prices of naval stores, or the state of the money market, it appeared to them while parliament was sitting, that if the votes for the service of the navy had been insufficient, there might have been a vote of exchequer bills to have supplied such deficiency.—Did Mr. Goldsmid while before the board, on the 25th June 1804, give the commissioners of naval enquiry any information respecting the state of the money market, at or during the continuance of the issue of the bills in question? I firmly believe he did not.—Are you positive he did not? I have a tolerable good memory, and I should swear, if called upon, to the best of my knowledge and belief that he did not.—Did Mr. Goldsmid state any facts or opinions to shew that the issue of the bills in question was a more advantageous mode of raising money, under the then existing circumstances, than by an issue of exchequer bills? I firmly believe he did not.—In point of fact, was any part of Mr. Goldsmid's evidence taken down, which did not appear to the commissioners of naval enquiry to be direct answers to the questions previously prepared and put to him? It is impossible for me on recollection to say, but I think it probable that Mr. Goldsmid might have given answers which were not considered direct answers, and which Mr. Goldsmid might have altered or amended previous to the fair copy of his evidence being made.—Do you mean to say, that no part of Mr. Goldsmid's answers was omitted to be taken down, or was altered and amended, except at his express desire? I most assuredly mean to say, that Mr. Goldsmid's answers were not altered or amended except at his express desire, nor do I know that any part of his answers were omitted to be taken down.—Are his answers, as reported in the appendix in the eleventh report, in the very words used and dictated by him? It is impossible for me to say, but I believe they are as they were originally taken down, or as they were amended by him.—Did any answers or words of Mr. Goldsmid's, that you considered as irrelevant, relate in any way to the policy, utility, necessity, or economy of the measure of the issue of navy bills? This is a question that has in substance been put to me more than once, and I called God to witness, that I do not believe Mr. Goldsmid stated to the commissioners of naval enquiry, any thing respecting the policy, the utility, the necessity, or the economy of that measure.—Was all that Mr. Goldsmid offered as evidence taken down, whether you considered it relevant or not, and entered in the appendix? I believe all that was offered by Mr. Goldsmid as evidence in answer to the questions that were previously written and put to him, was taken down; and I believe all that he offered as evidence appears in the appendix to the eleventh report, except such part of the answers as were amended at his desire.—Do you speak from an exact recollection of what passed in Mr. Goldsmid's evidence, specifically on the 25th June and 9th July, or only from your recollection of the general practice of the board? I speak from the general practice of the board, and from the best of my recollection with respect to Mr. Goldsmid's evidence.—What do you mean by the considerable difficulties which the board had to obtain direct answers from Mr. Goldsmid? I mean to allude to Mr. Goldsmid's confused manner in dictating the answers to the questions put to him, and first calling upon one member and then on another to explain his answers to them.—Did Mr. Goldsmid, at any time during his examination or subsequent to it, express any dissatisfaction to the commissioners at the mode in which that examination was conducted, or any apprehension that his evidence was imperfectly taken down? Most assuredly not.—Did you, or did the commissioners of naval enquiry in general, conceive that an issue of exchequer bills could have been voted by parliament at the respective periods when the bills to Mr. Glenny, and Messrs. Donaldson and Glenny, were issued, without causing a great depreciation of exchequer bills then outstanding, and without great consequent loss to the public? I did not enter into such considerations, nor do I believe the other commissioners of naval enquiry did.—Did Mr. Goldsmid, in the course of his conversations with the commissioners, state any thing tending to prove that his majesty's government was either not justifiable in issuing navy bills, or that they had not adopted the best mode of raising money for the supporting of public credit? I believe not.—If Mr. Goldsmid had made such a statement, should you have considered it as subject matter for your report? I believe not, as the commissioners of naval enquiry did not feel themselves authorized to go into such enquiry.—You having mentioned that all the questions put to Mr. Goldsmid, were written down before Mr. Goldsmid came to the board, was that the case with regard to all the other witnesses whose evidence appears in the appendix to the eleventh report? It has been the general practice of the board to write down questions previous to the examination of individuals, and to put such further questions as may be necessary upon the matter that may arise out of the evidence; but it is impossible for me to say whether the whole of the questions put to the other witnesses, whose evidence appears in the appendix to the eleventh report, was written down previous to their examination, without reading the whole of the evidence given by them, and considering whether the questions were or were not written down previous to their examination.—Can you state why your recollection, that every question put to Mr. Goldsmid was written down previous to his coming before the board, is more perfect than as to the examination of the other witnesses? Because Mr. Goldsmid's examination is considerably shorter than that of other witnesses, and I have particularly directed my attention to the questions put to Mr. Goldsmid since the sitting of this committee.—Can you recollect what length of time Mr. Goldsmid was before the board on the 25th June, when he gave the evidence contained in the tenth and eleventh reports? I certainly cannot.—Is it from the present view and consideration of the questions put to Mr. Goldsmid on the 25th of June, that you conclude, in point of fact, the questions were all written down previous to his coming before you? It is from a belief that I did myself write the questions down previous to Mr. Goldsmid's examination. — Were the four questions, which appear by the appendix to the eleventh report, page 502, to have been put to sir Andrew Snape Hamond on the 8th June 1804, written down previous to his coming before the board of commissioners? I believe they were not; the third question was, I believe, put by myself upon the matter growing out of sir Andrew Snape Hamond's answer to the first question.—Do you recollect whether the other three were, or any of them? I cannot speak with certainty; sir Andrew Snape Hamond attended on the 8th of June for the purpose of signing his evidence, and was not summoned by the board; but I am inclined to think the first and second questions were written down, previous to his coming there.—When questions were written down previous to the person coming before the commissioners, were they discussed and agreed to be put by the members of the board? I believe in all instances where the persons attending have been summoned before the board by precept, the questions have been read to the board, and such of them discussed as were judged necessary.—Do you recollect any discussions on any of the four questions put to sir Andrew Snape Hamond on that day? I do not believe any of those questions were discussed, they do not seem to me of a nature that the board were likely to discuss; and the third question was, I believe, put by myself in the course of sir Andrew Snape Hamond's examination, and not objected to by the board.—Look at the report, page 492, and to the appendix, no. 4, page 508, and then turn to page 533, no. 23, of the eleventh report; the sum advanced to Messrs. Hammersley, between 18th February and 21st April, being stated in page 492 of the report, and page 508 of the appendix, at 16,000l. and the second question in appendix no. 23, stating it at 14,000l.; can you account for this difference? In putting the last question to earl St. Vincent, there appears to have been an error, which I should think had arisen from adding up the amount of the ninety-day bills advanced to Messrs. Hammersley, and not including the ready money imprest bills.—Was the second question in no. 23, prepared before earl St. Vincent came to his examination? I am satisfied it was.—Did any thing, and what, pass between earl St. Vincent and the commissioners, or any of them, relative to the subject of that question, which is not recorded in the appendix? I did myself ask earl St. Vincent, if he thought the money issued to Messrs. Hammersley and co. could be for the purpose of defraying the expence of the stone ships; I do not recollect the precise words of his lordship's answer, but the substance of it was, that he was satisfied it would not, as he had been assured that the expence of the stone ships should not be defrayed out of the money voted for the service of the navy; whether this question was put to earl St. Vincent immediately upon his giving the answer to the second question in the appendix, or whether it was while the fair copy of the evidence was making (as his lordship remained in the room) I cannot say.—Had the commissioners, or any of them, reason at that time to know or believe the secret service referred to, was in fact the stone expedition? Most assuredly they had not, I had myself looked to every service which I thought this money could have been advanced for.—Did earl St. Vincent mention the amount of the sum said to be advanced for that service (which you say was erroneously stated by you to him at 14,000l. instead of 16,000l.) as one of his grounds for not believing the service in question to have been the stone expedition? Lord St. Vincent appeared to be altogether unacquainted that any money issued for the service of the navy had been advanced to defray the expence of the stone ships; I do not believe his lordship mentioned any sum as having been advanced for that purpose.—Had you or any other of the commissioners, to your knowledge, any communication with earl St. Vincent relative to the subject matter, or to the framing the eleventh report, previous to his examination before you? I believe I saw lord St. Vincent twice only from the commencement of the proceedings of the commissioners of naval enquiry, to the time of his quitting the admiralty; and I think in the first conversation I had with him, soon after the commencement of the commission, the subject of the issue of fictitious navy bills was mentioned; and I think in a conversation I had with earl St. Vincent, since he quitted the admiralty, I did ask him if he knew for what purpose the money had been imprested to Messrs. Hammersley: I do not know that the other members of the board had any communication with earl St. Vincent.—Can you recollect at about what time this last communication took place? I really do not recollect; but the impression of my mind is, it was about six weeks or two months before lord St. Vincent was examined.—Had you or any other of the commissioners any communication with earl St. Vincent, relative to the subject matter, or to the framing of the eleventh report, subsequent to his lordship's examination? I certainly had not; nor do I believe any of the other commissioners had.—In that communication you say you had with earl St. Vincent, about six weeks previous to his examination, had you any discussion with him relative to the evidence which the commissioners had received respecting the issue of navy bills, or to the report which the commissioners were to frame upon that subject? I never had any communication with earl St. Vincent on the subject of the evidence given before the commissioners of naval enquiry, or on the subject of any report they were to frame on such evidence.—Had you any discussion with his lordship relative to the necessity or expediency of issuing those bills, or to the legality or illegality of that measure, in the interval between taking the evidence on that subject and framing the report? Certainly not.—Did the letter received from sir Andrew Snape Hamond, on 1st December 1804, convey to the commissioners of naval enquiry the impression, that the secret service for which the 16,000l. was in fact the expedition for choaking up the harbour of

Boulogne, which has been called the stone expedition? Sir Andrew Snape Hamond's letter, received by the commissioners of naval enquiry on the 1st December 1804, with its inclosure, did convey to me, as one of the commissioners of naval enquiry, an impression that the project therein alluded to was the stone expedition.—Did the commissioners of naval enquiry, at any time between the receipt of sir Andrew Snape Hamond's letter, and the making of their report on 4th March last, communicate to earl St. Vincent their impression, that that secret service was in fact the stone expedition, in order to afford his lordship (if he should so think fit) an opportunity of correcting his evidence on that subject? The commissioners of naval enquiry had not any communication with earl St. Vincent in consequence of the letter received from sir Andrew Snape Hamond, nor should I, as one of the commissioners of naval enquiry, have thought it necessary to have had any communication with earl St. Vincent, as the question to him related to his having authorized the comptroller of the navy to perform any secret service for which the money was advanced to Messrs. Hammersley, or to his having any knowledge of the transaction.

The examination of the right hon. CHARLES LONG, *taken the 11th of June* 1805.

When did you become secretary to the treasury? In the beginning of the year 1791, and continued in that office till the middle of the year 1801.—Can you state to the committee, what the circumstances were that led to the issue of navy bills to Mr. Glenny at the end of October 1800? Upon the examination of the supplies voted for the service of the navy in the course of that year, it was found that they would not be sufficient to defray the expence that would be incurred, and the issue of these navy bills was supposed to be the most advantageous mode of making good the deficiency.—At what period did it first appear that it would be necessary to have recourse to such a mode of raising money? It was evident early in September in that year, that the supplies would not hold out, and the measure was then taken of permitting persons who held navy bills which became due, to take other navy bills in exchange instead of money; but this mode not furnishing the additional supply that was required, recourse was had to the measure of issuing the navy bills in question.—Can you state by whom this mode of issuing the navy bills in question, for supplying the deficiency, was first suggested? I cannot state positively by whom that mode was suggested, but the measure was taken with the full concurrence of the chancellor of the exchequer.—Could any other mode of supplying the demands for the naval service have been adopted equally advantageous to the state with the issue of these bills, when the expedient was resorted to? This point was fully considered, and it was determined that no measure which could have been taken would have been so beneficial to the public in point of economy as that which was adopted.—Can you state whether the chancellor of the exchequer expressed at any time any apprehension arising from the irregularity of the proceeding? I do not remember his ever expressing any such apprehension.—Does the reason you have stated for the issue of the navy bills in question, arising upon the deficiency of the supplies, apply to all the navy bills issued to Mr. Glenny, or to Messrs. Donaldson and Glenny, from the month of October 1800 to the month of March 1801? Yes, it does.—Can you state in what manner the sums raised by the sale of navy bills in the year 1800, and in the beginning of the year 1801, were ultimately replaced by parliament? I conceive the navy bills so issued were paid off in the manner in which all other navy bills are paid off, by a subsequent vote for naval services.—Do you mean to allude to a vote for naval services for the current services of the ensuing year? I do; I would here add, that the navy bills becoming due after 31st December in any one year, constitute a part of the navy debt, which is of course paid out of the sums for naval services in the year in which they become due.—Did you express or entertain at the time any apprehension of irregularity in the transaction? The transaction was certainly new, no occasion having arisen since the passing of the act 37 Geo. III. which rendered it necessary to have recourse to such an expedient; but if in the term "irregularity," the slightest degree of impropriety is implied in that sense, I cannot admit it to be irregular, and of course could not have expressed any such opinion.—Did you refer to the act of 37 Geo. III. with a view of ascertaining whether there was any thing in that act which appeared to prohibit the issue of these bills? I referred at the time to that act, and to an act of the 34 Geo. III. and was satisfied there was nothing in either of those acts to prohibit such an issue.—Were you aware of any other statute which regulated the issue of navy bills? I did not refer to any other, nor am I aware that there is any other that regulates the issue of navy bills.—Turn to the appendix, no. 6. of the 11th report; had the navy board similar authority from the treasury for each specific issue of these bills? I have no doubt they had.—Are you aware of any instance in which the navy board have refused to comply with the directions of the treasury, in respect to the mode of issuing money for naval services? I am not.—Before the act of the 34 Geo. III. was it usual to contract navy debt to the amount of the excess of the expenditure for the naval service of the year beyond the votes of the year, without the previous consent of parliament? It certainly was, to any extent which the public service required, subject of course to the subsequent examination and controul of parliament, when the amount of navy debt so created came to be taken into consideration.—Before the act 34 Geo. III. did navy bills outstanding on the 31st December in each year, make part of the navy debt to be subsequently voted by parliament? They did.—After the 34 Geo. III. did navy bills outstanding on the 31st December in each year, make part of the navy debt to be subsequently laid before parliament? They did.—After the 37 Geo. III. did the same practice continue with respect to ninety-day bills outstanding on the 31st December in each year? It did; I conceive the object of these acts to have been to keep up the credit of navy bills, and not in any degree to vary this practice, or to limit the power of creating navy debt, as far as was necessary for the public service.—Are you aware of any instance in which money has ever been voted by parliament, specifically, in aid of the navy supplies of the year, within that same year, except in case of an augmentation of the number of seamen? I do not recollect any.

The further examination of Henry Nicholls, esq. taken the 17th of June 1805.

In page 492 of the 11th report, it is stated, that a performance of a secret naval service was directed by one of his majesty's principal secretaries of state; what evidence was there before the board that it was so directed? The information was received in a letter from the comptroller of the navy, on the 1st of December 1804, a copy of which, and of its inclosure, I now produce; the date of the letter appears by mistake to be the 30th September instead of the 30th November; the commissioners of naval enquiry did not think it right to enter the comptroller's letter in the appendix to the 11th report, as it conveyed a proposal to the commissioners of naval enquiry, which their duty would not allow them to accede to; the printed copy of the comptroller's letter laid before the house of commons, differs from the original as sent to the commissioners of naval enquiry.—What was the proposal to which the commissioners thought their duty would not allow them to accede? The comptroller, in his letter of 30th November, proposed to lay before the commissioners of naval enquiry, privately, all the papers relative to the transaction, provided he was assured that it would not be publicly reported on.

The further examination of sir Andrew Snape Hamond, bart. taken the 17th of June 1805.

How do you account for the difference between the letter sent by you to the commissioners of naval enquiry on the 30th of November last, and the copy of it transmitted by you to the lords of the admiralty on the 22d of April last? If it does differ in the smallest degree, I can only express my surprise and regret, as it must have happened without the smallest intention on my part. I first wrote a draft of the letter, which I shewed to one of the commissioners of the navy for his approbation; that draft was corrected in several places, and written fair by the deputy secretary, and such fair copy was signed by me, and sent to the commissioners of naval enquiry; as to the date, it must evidently have appeared to the commissioners that it was a mistake, as their precept, to which this letter was an answer, was dated the 15th of November, and as my letter in taking notice of their precept mentions the 15th instant, there could not be the smallest doubt but that my letter was written on the 30th November instead of the 30th September; and, though I perceive by the letter now produced to me, that there are several words, though not the same, yet importing the same meaning, I trust it will appear that whatever difference there may be, the substance is in no degree changed.—From what document in the navy office was the copy of the letter, no. 11, made, which was transmitted to the admiralty? From the very same draft, but copied by another clerk.—Does that document still remain in the navy office? I understand it does not; but the clerk is here who will explain that.—Can you account to the committee for the circumstance of the original draft, which was in the navy office in April last, not being there now? When the clerk made out copies of all the papers which I sent to the admiralty on 22d April, I remember his telling me that he had made fair copies of all my drafts of the letters, and that as the one in question was very much scratched, he asked me if I had any objection to his tearing it; to which I agreed.—

Were any other of your drafts, of which he made a fair copy at that time, destroyed? I rather think they were.

The examination of Mr. JOSEPH EDWARDS, *taken the 17th June* 1805.

Did you copy the inclosures that were transmitted to the admiralty from the commissioners of the navy, in their letter of 22d April 1805? I copied the whole of the letters that were sent by the comptroller of the navy on the 22d April 1805.—From what document did you copy no. 11.? From the rough draft of a letter given to me by the comptroller, to copy.—Did you return that rough draft to the comptroller? I did, and put it into the hands of the comptroller with the copy I had made; he asked me if that was a correct copy, and I answered him, yes, it was an exact copy; he then said, there could be no occasion to keep two; and the one I had made being fair, the other might be destroyed; from that fair copy I made the one that was sent to the admiralty.—Was the draft you copied from much scratched, or in any other respect difficult to read? The rough draft put into my hands by the comptroller had several words that were run through with a pen, and likewise interlineations; it was by no means difficult for me to read it, being very much in the habit of writing from his rough drafts, but I do not think that people in general would have been able to read it very easily.—In whose hand-writing is the letter from sir Andrew Snape Hamond to the commissioners of naval enquiry, now shewn to you? In the hand-writing of Mr. G. Smith, now deputy secretary to the navy board.

The further examination of Abraham Goldsmid, esq. taken the 17th of June 1805.

Have you carefully read over your evidence, and is there any alteration you wish to make? I have read it over carefully, and there is no alteration I wish to make.

APPENDIX.

No. 1.—*Copy of navy board patent, dated 14th May, 44 Geo. III.*

No. 2.—*Copy of order in council, dated 8th June* 1796.

No. 3.—*Copy of instructions of the lords of the admiralty; dated 17th August* 1796.

No. 4.—*Account of the sum remaining unapplied of the grant for naval services, for the years* 1800 *and* 1801, *on the 1st of September in each of these years respectively, &c.*

No. 5.—*Amount of debt of the navy on 31st December in each year, from* 1777 *to* 1782 *inclusive, and from* 1794 *to* 1802 *inclusive.*

No. 6.—*Amount of grants for naval services unapplied on 20th July* 1800 *and 20th June* 1801; *and also, payments made for naval services in July and August* 1800, *and June, July, and August* 1801.

No. 7.—*An account of sums paid in discharge of ninety-day bills in each month in the years* 1800, 1801, *and* 1802.

No. 8.—*A comparison of the average prices paid for different species of provisions between the 1st January and 31st December* 1799, *with those paid for in the same months in the following year.*

No. 9.—*A comparison of the sums paid for provisions between the 1st January and 31st August* 1799, *with those paid for in the same month in the present year.*

No. 10.—*A comparison of the sums paid for the several articles in the remaining four months in the year* 1799, *with those for the same months in the year* 1800.

No. 11.—*An account of the bills that were issued for the renewal of ninety-day bills, becoming due in the years* 1800 *and* 1801.

Nos. 12, 13, 14, and 15.—*Copies of letters from Charles Long, esq. to the commissioners of the navy, dated 7th September* 1800; *22d October* 1800; *4th February* 1801; *and 3d March* 1801.

Nos. 16 to 21.—*Copies of letters from Nicholas Vansittart, esq. to ditto, dated 8th September* 1801; *2d November* 1801; *5th February* 1802; *23d March* 1802; *21st April* 1802, *and 30th April* 1802.

No. 22.—*An account, shewing the grants of parliament for naval services in each year, from* 1796 *to* 1802, *both inclusive.*

Nos. 23 to 29.—*Estimates of the debt of his majesty's navy, as it stood on the 31st December* 1796; *31st December* 1797; *31st December* 1798; *31st December* 1799; *31st December* 1800; *31st December* 1801; *and 31st December* 1802.

No. 30.—*Copy of a letter from earl St. Vincent to lord Hobart, dated Rocketts, Feb. 2,* 1804.

My dear Lord,—I was so ill on Saturday, when your lordship had the goodness to call, as to be incapable of utterance; and had I not quitted town immediately, I am confident I should have expired; I am somewhat better, and some of the worst symptoms are disappearing.—Mr. ——— is a very intelligent man, and has been much employed by government; and we all know that the smugglers are capable of great enterprize; I therefore do not venture to give an opinion so decidedly against his proposition for choaking the entrance of Boulogne as I otherwise should. In our hands there would not be the remotest probability of the success he so sanguinely holds forth; but if the smugglers will undertake it for a given reward, pay or play, it may be worth attending to.

Your's, &c. *St. Vincent.*

No. 31.—*Copy of a letter from sir A. S. Hamond, bart. to the earl of St. Vincent, dated Navy Office, 9th March* 1804, *as printed by order of the house, 29th April* 1805. See vol. 4, p. 469.

No. 32.—*Copy of a letter from lord Hobart to sir Andrew Snape Hamond, dated Downing-street, 9th February* 1804; *as printed by order of the house, 29th April* 1805. See vol. 4. p. 469.

No. 33.—*Copy of a letter from earl St. Vincent to sir A. S. Hamond, dated 10th March* 1805; *as printed by order of the house, 29th April* 1805. See vol. 4. p 470.

No. 34.—*Copy of a letter from lord Hobart to earl St. Vincent, dated Downing-street, 10th February* 1804.

(Private and secret.)—My dear lord,—Having shewn your letter upon the subject of the Boulogne plan to Mr. Addington, he is decidedly of opinion with me, that the smugglers should be employed in the undertaking, and the more especially as they look for no reward in the event of failure.—I have therefore, for the purpose of preventing unnecessary expence, and of having the business conducted with as much secrecy as possible, directed sir Andrew Hamond, in communication with ——, to have the vessels purchased and loaded with stone; the account ultimately to be settled with the treasury.—I should be happy to hear a more favourable report of your health, and remain, your's, &c. (Signed) *Hobart.*

No. 35.—*Copy of a letter from earl St. Vincent to Lord Hobart, dated Rocketts, 12th Feb.* 1804.

My dear lord,—You certainly are proceeding in the best mode to give effect to the plan of Mr. ——, and I most heartily wish it success.—I am so much more free from complaint than I was when I last wrote to your lordship, that I have determined to return to town in a few days; and, with many thanks for the kind solicitude you have expressed about me, I am ever your's, &c.

St. Vincent.

No. 36.—*Copy of a letter from the right hon. John Sullivan to sir A. S. Hamond, dated 18th Feb.* 1804; *and printed by order of the house, 29th April* 1805. See vol. 4, p. 470.

No. 37.—*Ditto to ditto, dated 21st February* 1804. See vol. 4, p. 470.

No. 38.—*Ditto to ditto, dated 23d February.* See vol. 4, p. 471.

No. 39.—*Copy of a letter from lord Keith, to the chairman of the committee, dated East Cliff, Ramsgate, 7th June* 1805.

My Lord,—I have received your letter of yesterday's date, requesting that I would transmit to you, as chairman of the committee of the house of commons, to whom the 11th report of the commissioners of naval enquiry has been referred, a letter, or order, which was written to me by the earl of St. Vincent, relative to the project for blocking up the harbour of Boulogne, bearing date on or about the 23d day of February 1804; and in obedience to the commands of the committee, signified to me through its chairman, I herewith inclose a letter which I received from the earl of St. Vincent on that subject, dated the 23d February 1804, observing, that it was only addressed on the envelope, which was burnt or destroyed. I have the honour to be with the greatest respect, &c. *Keith.*

No. 40.—*Copy of a letter from lord St. Vincent to lord Keith, dated Admiralty, 23d Feb.* 1804.

(Private.)—My dear lord,—The operation lord Hobart writes to you upon, is carried on with my knowledge. Your's most truly,

(Signed.) *St. Vincent.*

No. 41.—*Copy of a letter from sir A. S. Hamond to the earl of Buckinghamshire, dated Navy Office, 1st April* 1805. See vol. 4, p. 471.

No. 42.—*Copy of a letter from the earl of Buckinghamshire to sir A. S. Hamond, dated 3d April* 1805; *as printed by order of the house, 29th April* 1805. See vol. 4, p. 472.

No. 43.—*Copy of a letter from sir A. S. Hamond to the commissioners of naval enquiry, dated 30th Nov.* 1804; *as printed by order of the house, 29th April,* 1805. See vol. 4, p. 473.

No. 44.—*Copy of a letter from sir A. S. Hamond to the commissioners of naval enquiry, dated 30th September* 1804; *as produced by Mr. Nicholls to the committee.*

Gentlemen,—Since my return to town, your precept of the 15th inst. has been put into my hands. I find the navy board has already signified to you, that the navy 90-day bills mentioned in your said precept were issued by my written directions to the committee of accounts, in consequence of orders I had received from government, and which were kept in my possession. I have now the honour to acquaint you, that the first sum stated in your precept was issued by directions from the lords commissioners of his majesty's treasury, dated the 4th October 1799, and marked *most secret.* The subsequent issues, viz. on the 22d November

1799, and 9th April 1801, were made by similar orders. The service for which these payments was made, was communicated to me in confidence; and I consider it to be of so delicate a nature, that although the treasury board signified that the individual in question had performed the service for which the money had been issued to their lordships satisfaction, and therefore directed the navy board to make out a clearing bill to discharge him and his partners from the *responsibility* of the debt to government; yet I am decidedly of opinion, that even the mentioning of the name of the parties, with the sums issued to them at the particular periods before-mentioned, in any public report, would not only endanger the total loss of a great part of the money, but would subject the parties employed to very great inconvenience.—I therefore submit these circumstances to your consideration, as I find it impracticable to give you a copy of the orders under which I acted, omitting the secret instructions respecting the services to be performed, as they are contained in almost every line of the authority; I am nevertheless ready to lay before you *privately* all the papers relative to the transaction, provided I am assured that it is not to be publicly reported, as in that case, I should consider myself not at liberty to make the communication without first consulting the government.—With respect to the second issue of navy bills to Messrs. Hammersley and co. amounting to 16,000l. I beg leave to acquaint you, that lord Hobart, one of the principal secretaries of state, signified to me the king's pleasure, that I should provide funds for the preparation of a project intended to be executed on the enemy's coast, a copy of which is herewith inclosed in obedience to your precept; and considering it more for the interest of the public, that the funds should be placed as they might be wanted in the hands of a banker, rather in those of a person unknown to me, and over whom I could have little controul, I judged it most prudent to desire the navy bills might be impressed to Messrs. Hammersleys and co. who have no other concern in the transaction than the paying of such bills as had my sanction. I have the honour to be, gentlemen, your most obedient humble servant, *A. S. Hamond.*—(A true copy.) *Henry Nicholls*, 11*th June* 1805.

No. 45.—*Copy of a letter from lord Hobart to sir A. S. Hamond, dated* 9*th February* 1804; *as produced by Mr. Nicholls to the committee.*

(Most secret.)—Sir,—It being thought adviseable, under the present circumstances of the war, that an attempt should be made for carrying into execution the project suggested in the accompanying paper, for and the success of such an enterprize depending in a great measure upon the secrecy and dispatch with which the preparations may be made, I have the king's commands to signify to you his majesty's pleasure, that you do take these preparations under your immediate controul, and that you do communicate confidentially with supplying him with such funds, and giving him such orders for the purchase and for providing materials, which you may judge necessary to be embarked, as shall be requisite for accomplishing the object in view. The advances you may have occasion to make for this service will be hereafter replaced by the treasury.—As soon as the vessel shall be sufficiently you will give directions that they should proceed with all possible expedition to the Downs, where all further orders will proceed from lord Keith.

I am, sir, &c. *Hobart.*

REPORT OF THE COMMITTEE OF SECRECY, ON THE ELEVENTH NAVAL REPORT OF THE COMMISSIONERS OF NAVAL ENQUIRY.—*Ordered to be printed,* 27*th June* 1805.

The Committee of Secrecy, to whom so much of the eleventh report of the commissioners of naval enquiry, as relates to the advance of one hundred thousand pounds for a secret naval service, was referred; and were empowered to report their opinion and observations thereupon to the house:—Have agreed upon the following report.

YOUR committee have taken into their consideration, the subject referred to them; and having examined various persons, and called for and perused certain letters, and other documents relative thereto, they have agreed on the following resolution; *Resolved,*

That it is the opinion of this committee, that the said 100,000l. was advanced for an object, to which the supplies granted for naval services were applicable; that the application thereof, to that object, was a measure, in which the interests and honour of this country were concerned; that it was issued by the comptroller of the navy, under orders from the lords of the treasury, with the knowledge and authority of the first lord of the admiralty, and in the fittest mode for answering the end proposed; that the clearing bill for 95,000l. part of the said sum of 100,000l. was granted on just and proper grounds; that the circumstances of the application of the money were of such a nature that a disclosure of them, either at the period when they took place, or at any time since, would have been attended with public inconvenience; that it must be matter of regret, if any thing has occurred in the mean time, which my have tended, in any degree, to such a disclosure; and that the reasons against such disclosure still continue, and render it the duty of the committee to abstain from entering into any farther particulars on the subject.

REPORT FROM THE COMMITTEE ON THE PETITION OF THE DUKE OF ATHOLL; AND OTHER MATTERS RELATING TO THE ISLE OF MAN.

Ordered to be printed 23d May 1805.

The Committee to whom the petition of John duke of Athol is referred; and to whom the report of the commissioners of enquiry relative to the Isle of Man, made in the year 1792, and all accounts respecting the revenues of the said isle, which have been presented to the house in this session of parliament, are also referred;—and who were instructed to take into their consideration all such parts of the said report, as relate to the collection and management of the revenue of the said isle, and likewise to examine into the receipts of the revenue of the same isle, and the disbursements thereout from the 5th of January 1791 to the 5th of January 1805; and into all balances in the hands of the collectors or receivers of the revenues of the same isle, and to report their observations upon all such subjects to the house;—and to whom the several accounts and papers relating to the Isle of Man, which have been presented to the house since the 26th day of March last; and also, the account of the amount of duties received within the ports of the Isle of man, upon imports and exports, between the 5th January 1798 and the 5th January 1804, which was presented to the house upon the 10th day of April, in the last session of parliament, are also referred;—and who were empowered to report their proceedings together with their observations and opinion thereupon, from time to time, to the house;—have examined the matter of the said petition:

AND find, by an act of parliament made in the 7th of James the first, that the Isle of Man was granted in sovereignty by king Henry the fourth, to the family of Stanley, the ancestors of the duke of Atholl; and to the intent, as is recited in the act, that it should remain in their blood, it was by the said act made unalienable, so as to render it impossible for any future proprietor to make any disposition or resignation of it as against the heirs general of the seventh earl of Derby. It also appeared to your committee, on referring to the act of the 5th of George the third, c. 26. and to a report of a committee of this house in 1790, on a petition of the duke of Atholl, that his family had under the said grant and act of James the I., continued lords of the Isle of Man, with all sovereign rights, until the passing of the said act of the 5th Geo. III. revesting the island in the crown of Great Britain.—Your committee having referred to the schedule to the said act of 5. Geo. III. it appeared, that the sum given to the duke of Atholl for the rights of his family, which by that act were transferred to the crown, is so greatly disproportioned to the mere revenue stated in the said schedule as to induce your committee to believe, that the amount of compensation must have been calculated on a supposition (as is alleged in the petition referred to your committee) that the greater part of the revenue produced was derived from illegal sources, or from the introduction of articles which were afterwards smuggled into his majesty's dominions.—Certain original books of the duties of customs on importations into the island were produced to your committee, from which books it appears, that the principal part thereof were paid on the importation of spirits, chiefly brandy, with some geneva and tea, all brought from Saloe, Barcelona, Rotterdam, and other foreign ports; a little rum from the West Indies, generally in Danish ships, and on goods charged at different rates *ad valorem;* and it appeared that all articles whatever, not charged with specific duties, paid *ad valorem*—Your committee having referred to the 12th Geo. I. cap. 28. it appeared, that the said act was passed for the protection of the revenue of Great Britain and Ireland, and that the legislature thereby did with that view take away the drawbacks formerly allowed on goods exported from his majesty's dominions to the Isle of Man, and prohibited the importation into Great Britain and Ireland from the said Isle of Man, of any articles not the produce or manufacture of the island; but did not attempt to restrain the importations into the island, or the power of exporting to and trading with all foreign countries, a circumstance which appears extremely material to your committee, especially as it was in that act that provision was made for purchasing the rights of the proprietors of the island.—And your committee here think it material to observe, that in the act of the 5th of Geo. III. cap. 43. there are similar provisions as to the island of Faro, a Danish possession, and therefore as to any trade, except to and from this country, totally independant of the British legislature.—Your committee also proceeded to ascertain the mode of imposing the rates and duties of customs before the revestment of the island, on which point two books of rates of duties of customs, the first in 1577 and the latter in 1692, were referred to, as set forth in the appendix to the report of the commissioners in 1791, which books of rates appear to have been made by the lords of the isle; and your committee have not found any trace of the intervention or sanction of the Keys as to either of those books of rates, till at so distant a period as the year 1736, more than a century and a half from the date of the first, and nearly half a century from that of the last, when the Keys appear to have claimed or assumed to themselves the right of confirming the said rates of 1692.—Your committee have not discovered, nor were they referred to any other instance of the interference of the Keys as to books of rates, or duties on importations or exportations, and it appears to them from the various documents to which their attention was directed, that the intervention of the Keys in all other instances was confined to matters of internal regulation only, and of assessments for local purposes, such as high roads, building a house of Keys, regulating fees of officers of the courts, and other matters of a like description.—It further appears to your committee, that since the said act of the 5th Geo. III. cap. 26. the sanction or concurrence of the Keys has never in any instance been claimed or resorted to in imposing any of the additional duties that have been laid on articles introduced into the island, which must obviously have been imposed in virtue of the transfer of the sovereign authority of the island from the lord to the crown and legislature of Great Britain, although since that period the Keys have concurred in various matters of regulation and local assessment.—Your committee further report, that evidence was laid before them by the petitioner, to shew that the compensation was inadequate, even for the pecuniary income arising from the duties of customs, as they stood at the time of the revestment.—From this evidence it appeared to your committee, that all articles not specifically charged, then paid duties *ad valorem*, some of them at a higher rate of duty than at present, and that of some articles, particularly timber, the duties were taken in kind for the use of the lord, and not brought into the account of produce of customs, the value of which must therefore be added to amount of the rated duties, if resorted to for any purpose of calculation.—It also appeared, that many articles, and some of them of considerable value, which formerly paid duty, can now be legally imported free of duty into the Isle of Man.—Your committee also referred to an estimate of the revenue made by the attorney and solicitor general, and laid before the privy council, by which it appeared, that they estimated the amount of duties taken at the rates of 1692 at 846l. 19s. allowing at the same time that the defective system of collection of duties of customs made it proper to take the highest year of the present receipt as the basis of their calculation.—Your committee found that since the making of that report, and pending the application of the duke of Atholl, the duties of customs on licensed articles had increased considerably and progressively under the act of thirty-eighth of his present majesty, and that the receipt of custom duties in 1802, would therefore give a much larger sum than is stated by the law officers of the crown.—It also appeared to your committee, on considering the circumstances before stated of many articles being now imported free, and others being taken in kind, and some being rated at a higher *ad valorem* rate than at present, that the proportion of *ad valorem* duties taken by the officers of the crown at one-third, ought to be estimated much higher, probably at no less than the present actual produce.—It further appears, that the articles of herring customs and forfeitures, contained in the column of the schedule to the act of the 5th Geo. III. were by mistake omitted in that calculation, and that the salmon fisheries, and boons and services, have in fact been lost by the lord since the passing of that act, and that even his castles of residence, and wharfs and quays, have been taken away, notwithstanding it clearly appears, that the herrings customs and salmon fisheries were not intended to be taken by the crown under the act, and that the boons and services, and castles, wharfs, and quays, were not necessary to the object in view in passing the said act.—Your committee is therefore satisfied, from a consideration of all the circumstances, that even in this restricted mode of considering the question, the revenue raised in the island on the rates subsisting at the time of the revestment, would have produced an amount for which the sum given was far below any thing that could be considered as an adequate compensation.—It also appears to your committee, that subsequent experience, derived from the effect of the different acts under which the Isle of Man has been regulated, as to the supply of articles of consumption since the repeal of the act of the 5th Geo. III. chap. 39. for preventing the mischiefs arising to the revenues of Great Britain and Ireland from illicit trade to and from the Isle of Man, has fully proved, that regulations, founded on a treaty between the lord of the Island and Great Britain, after the trade and supply of the island, and a moderate increase of duties, which would have belonged to the lord, would have effectually protected the revenue of Great Britain and Ireland, and greatly improved instead of annihilating his revenues.—The draft of the last-mentioned act (called the mischief act) was also produced to your committee, with the clauses and provisions contained in it when originally introduced, and which remained in it subsequent to the period when the contract for the revestment of the island was executed.—It also appears from the journals of the house, referred to by your committee, that this bill went in its progressive steps through the first and second readings (and notwithstanding the opposition of the duke of Atholl, who stated his objections to it by his counsel at the bar of the house) stood committed for the 28th February.—This bill prohibited the importation into the isle of India goods, except from Great Britain, placed British officers of customs and excise in the harbours, allowed seizures to be made in the island, and the adjudication of questions on those seizures, and trials of persons acting in the island contrary to the act, to be carried on in the courts of Great Britain, and prohibited the importation of spirits from any place out of Great Britain, operating therefore with the weight of the British duties (for no drawbacks were allowed) added to Island duties and freight, re-shipment, &c. as a prohibition on consumption.—It appears to your committee, that this bill, which was postponed till after the execution of the contract before stated, but was afterwards passed with some amendments, and continued in force only a few years, necessarily destroyed (as the experiment of its operation during the short period of its remaining in force proved) the duties of customs, which constituted the greater proportion of the revenue of the lord; and it is evident from the ground on which the then duke of Atholl opposed the bill in the house, and from an original letter produced to your committee in the hand-writing of his grace, written by him to his confidential agent, and dated the 23d of February, 1765, three days before the letter on which the subsequent revestment was founded, that he had treated under that impression, and under the apprehension that the operation of that bill would prove destructive of the revenue he derived from the island.—In proof also, that the contract on the part of the duke and duchess of Atholl, was in substance, under every fair consideration of the transaction, an involuntary and compulsory act, the evidence of Mr. Hammersley, taken at the bar of the house in 1781, was produced; and also the evidence of sir Fletcher Norton, a member of the house, given in his place on the same day.—It also appears to your committee, that the duchess of Atholl, the heir of entail of the 7th earl of Derby, a feme covert, was not examined in the progress of the bill through the house of lords, and that the present duke of Atholl her son, and the next in succession, was only 10 years of age at the time of the revestment, and that no trustee was appointed for him, the act of the 12th George the first, having only provided for a treaty with the trustee of lady Henrietta Bridget Ashburnham, and did not advert to any other incapacitated persons.—On the subject of 20,000l. per annum, pension on the Irish establishment, it appears to your committee, that if taken as part of the compensation, it was not secured as it ought to have been (in that mode of considering it) to the right heir of entail.—And if this pension is not to be considered as part of the compensation, it most materially reduces the amount of what was given.—Your committee have also thought it their duty to inquire into the state of the revenue of the Isle of Man, with reference to the opinion of his majesty's privy council, in their report now before the house, that some participation of the revenues arising from the Isle of Man, should be allowed as a further compensation for the rights revested in the crown by the 5th Geo. III.—On this part of the subject your committee referred to the statement of the revenue subsequent to the revestment, contained in the report of the commissioners in 1791, from which it appears, that the revenues of the island were, by the operation of the mischief act, reduced to a very small sum, and were even after the repeal of that act, and the introduction of a new system, not productive of any surplus; but that subsequent to the act of the 38th of Geo. III. c. 63. and owing to the beneficial operation of that act, and of the 41st of Geo. III. the revenue has gradually increased, the Island has been better supplied, and illicit trade more effectually prevented.—It appears to your committee, on the examination of the accounts on the table of the house, and of an account signed by the receiver-general of the island, and produced to your committee, that the surplus revenue of the Isle of Man now remaining under the act of the 7th Geo. III. unapplied, and at the disposal of parliament, is upwards of 23,000l. of which 20,340l. 3s. 1d. is in the hands of the receiver-general of the island, and the remainder in the exchequer.—Your committee also think it necessary to notice, that a material proportion of the revenue, which must fairly be considered as arising from the Isle of Man to this country, remains in Great Britain, and is carried to the account of the British revenues, and does not appear in the account of the produce of duties in the island. The duty in this country on rum is 1s. 1d. the gallon, and the drawback only 8d.; and as the Isle of Man is restrained from having any supply of rum but from Great Britain, it is obvious that 5d. a gallon ought to be carried to the account of the revenues of the island, amounting on that article to upwards of 1000l.—The same observation applies to brandy, when brought from Great Britain, the difference on which is 7d. per gallon; but the amount retained on this article will fluctuate, and be generally much less than that on rum, as brandy may be brought from Guernsey free of British duties.—Wine likewise leaves a duty of 5 guineas per ton when carried from Great Britain to the Isle of Man; and as to iron and hemp, two articles required for the islands in considerable quantities, 1l. 5s. per ton is left on iron, and 2s. 2d. per cwt. on hemp. There are besides duties left in the like manner on various other articles of less importance.—The rates of postage for the Isle of Man are in the Whitehaven collection, amounting, as your committee is informed, to a considerable sum per annum.—It further appears to your committee, that the object of the crown and the legislature, in requiring the duke of Atholl to resign his sovereign rights, was the protection of the revenue of Great Britain and of Ireland, and not the acquisition of revenue from the island; and that even on the supposition that some revenue might have been supposed likely to accrue, that which has arisen since the introduction of the improved system, and is now increasing, greatly exceeds what parliament could have had in contemplation at the time of the purchase. Your committee, therefore, upon full consideration of the matters hereinbefore set forth (and without having attempted to set any pecuniary value on the splendid and sovereign dignities, honours, and privileges, attached to this ancient inheritance, but which will undoubtedly be duly estimated by the just liberality of the British legislature)—Have come to the following

Resolutions.—1st. That the committee, having considered the documents and evidence which have been laid before them, are of opinion, that the petitioner has fully established the allegations of his petition.—2d. That it is the opinion of this committee, That it would be proper to recommend to the house, that parliament should grant such further compensation as shall seem adequate for the benefit of the petitioner, and the other heirs general of the 7th earl of Derby, according to the provisions of the act of the 7th of King James I. and that such compensation should be charged on the revenue of the island.

Abstract Statement of the Public Income of Great Britain, for the Year ended 5th January 1805.

Heads of Revenue.	Gross Receipt.			Net Produce.			Paid into the Exchequer.		
ORDINARY REVENUES.									
Permanent Taxes.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs......England	10,189,238	10	9¼	8,451,719	10	3¾	7,939,771	5	8½
——— Scotland	759,849	0	8½	608,577	17	10¾	418,100	0	0
——— Great Britain	10,949,087	11	5¾	9,060,297	8	2½	8,357,871	5	8½
Excise......England	20,985,644	2	9¾	19,511,982	9	9¼	19,448,143	3	3
——— Scotland	1,484,668	9	9½	1,478,487	3	3¾	1,156,000	0	0
——— Great Britain	22,470,312	12	7¼	20,990,469	13	1	20,604,143	3	3
Stamps......England	3,429,697	8	2¾	3,357,727	4	7½	3,176,256	10	7
——— Scotland	202,048	10	3½	207,167	5	11	178,066	7	5
——— Great Britain	3,631,745	18	6¼	3,564,894	10	6½	3,354,322	18	0
Land and Assessed Taxes......England	5,747,374	10	7	5,833,502	5	5	5,167,630	3	9½
——— Scotland	163,954	9	11	208,982	17	10½	141,500	0	0
——— Great Britain	5,911,329	0	6	6,042,485	3	3½	5,309,130	3	9½
Post Office......England	1,178,408	7	0	969,419	15	10	827,518	8	8
——— Scotland	118,000	4	0	137,938	13	3½	96,681	11	4
——— Great Britain	1,296,408	11	0	1,107,358	9	1½	924,800	0	0
1s. in the £. on Pensions and Salaries......England	44,656	10	11	46,880	19	7½	44,328	0	5½
1s. in the £. on Pensions and Salaries......Scotland	2,776	19	8¾	6,116	19	11¾	5,487	0	0
——— Great Britain	47,433	10	7¾	52,997	19	7¼	49,815	0	5½
6d. in the £. on Pensions and Salaries......England	59,005	1	8¼	58,533	2	7¼	58,532	16	3¼
6d. in the £. on Pensions and Salaries......Scotland	2,762	8	11¾	2,745	3	8¾	2,745	3	8¾
——— Great Britain	61,767	10	8	61,278	6	4	61,278	0	0
Hackney Coaches......	28,767	16	6	26,656	11	3¾	26,286	0	0
Hawkers and Pedlars......	9,615	5	9	7,014	3	7	6,612	14	7
Total Ordinary Revenues......	44,406,467	17	8	40,913,452	5	1	38,693,459	5	9½
				Hanaper			2,000	0	0
Small Branches of Hereditary Revenue.									
Alienation Fines......	6,933	13	4	9,785	5	1	3,977	18	8
Post Fines......	313	2	3	3,561	14	10¼	-	-	-
Seizures......	63,648	12	4¾	63,648	12	4¾	63,648	12	4¾
Compositions......	3	0	0	3	0	0	3	0	0
Proffers......	615	3	2	615	3	2	615	3	2
Crown Lands......	35,168	9	1	54,366	17	1	966	13	4
Extraordinary Resources.									
Property Tax......England	3,572,556	17	5¾	3,478,351	10	5	3,478,351	10	5
——— Scotland	6,333	2	6	6,000	0	0	6,000	0	0
——— Great Britain	3,578,889	19	11¾	3,484,351	10	5	3,484,351	10	5
Arrears of Income Duty......	83,641	6	7¼	81,048	6	9¼	81,048	6	9¼
Lottery, Net Profit......	434,625	0	0	413,645	7	2	413,645	7	2
Aid and Contributions......	590	17	9	590	17	9	590	17	9
Arrears of Taxes collected under the Aid and Contribution Act......	1,941	17	3	1,890	13	2¼	1,890	13	2¼
Monies paid on Account of the Interest of Loans raised for the Service of Ireland	1,275,178	17	1	1,275,178	17	1	1,275,178	17	1
On Account of the Commissioners, appointed by Act 35 Geo. III. for Issuing Exchequer Bills for Grenada, &c.	201,000	0	0	201,000	0	0	201,000	0	0
Interest on Stock Transferred by Instalments, for the Redemption of the Land Tax......	4,500	0	0	4,500	0	0	4,500	0	0
Fees of Regulated Exchequer Offices......	36,664	7	0	36,664	7	0	36,664	7	0
Imprest Money Repaid by sundry Public Accountants......	21,031	5	2¼	21,031	5	2¼	21,031	5	2¼
Other Monies Paid to the Public......	13,230	0	2	13,230	0	2	13,230	0	2
Total...... Independent of Loans......	50,164,443	8	11	46,578,564	2	4¾	44,297,801	18	1
Loans paid into the Exchequer, in Part of £. 14,500,000, including £. 4,500,000 raised for the Service of Ireland......	13,209,351	13	9	13,209,351	13	9	13,209,351	13	9
Grand Total......£	63,373,795	2	8	59,787,915	16	1¾	57,507,153	11	10

N. B.—The War Duties of Customs and Excise are included under their respective Heads of Revenue.

Whitehall, Treasury Chambers, 23d March 1805. W. Huskisson.

Note.—The Appropriated Balances in the Exchequer, on the 5th Jan. 1804, amounted to 8,812,339l. 8s. 4½d; and on the 5th January 1805, to 10,253,353l. 5s. 5d. There was no unappropriated Balance in the Exchequer at either of the above-mentioned Periods. The Amount of Exchequer Bills, Navy Bills and Transport Bills, issued for the Public Service between the 5th January 1804, and the 5th January 1805, and not redeemed within that Period, was, in Exchequer Bills, £. 16,429,300; in Navy and Victualling Bills, 1,980,158l. 7s. 2d.; and in Transport Bills, 198,465l. 5s. 6d.

An Account of the Sums paid into, and the Charges upon, the Consolidated Fund, between the 5th of January, 1804, and the 5th of April, 1805; distinguishing each Quarter.

INCOME.

	In the Quarters ended														
	5th April, 1804.			5th July, 1804.			10th Oct. 1084.			5th Jan. 1805.			5th April, 1805.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Permanent Taxes . .	5164318	1	11¾	6559354	7	9	6604554	17	1¼	7502677	8	10	5757393	0	3¾
Surplus of Sugar, Malt, and Tobacco, annually granted	702858	7	6	287654	0	0	437933	0	0	17475	0	0	342054	12	10¼
Land Tax, from 1798	118319	0	4¼	347335	4	11	183342	14	11	318452	19	4½	156685	10	5½
Do. on Personal Estates since do.	29360	7	4	37337	0	6¾	26641	6	8¼	36186	10	4¾	25085	5	5¼
Arrears of Income Duties granted in 1799, 1800, and 1801 .	19422	6	4¾	25371	12	3½	16799	10	10½	19454	17	2¼	28549	9	7¾
Additional Assessed Taxes, 1798 .	334	9	7	680	10	11	481	19	0¼	-	-	-	78	1	9
Land and Annual Malt Duties . . .	-	-	-	2985	18	11	1325	2	0	-	-	-	12285	19	10
Imprest Monies . . .	83053	6	8¾	51216	8	0½	35918	7	2	35737	10	5	43578	12	4¼
Money paid on Account of the Govt. of Ireland	204179	13	5	376896	3	11	293136	0	10	400966	19	1	301478	11	1
Brought from Money reserved for Tontine, An. 1789, on Account of Treasury Nominees	-	-	-	12108	2	10¾	-	-	-	12112	6	0¾	-	-	-
Voluntary Contributions, Anno 1798 .	-	-	-	-	-	-	-	-	-	590	17	9	-	-	-
Money paid by Abm. Newland, Esq. on Account of Commissrs. of Exchequer Bills, per Act 35. Geo. III.	-	-	-	-	-	-	-	-	-	66000	0	0	77000	0	0
£.	6321845	13	3½	7700939	10	2½	7600132	18	7¼	8409654	9	1¼	6744189	3	8¾

CHARGE.

	In the Quarters ended														
	5th April, 1804.			5th July, 1804.			10th Oct. 1804.			5th Jan. 1804.			5th April, 1805.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Interest of Public Debt created prior to the 5th January, 1803 -	4213384	12	5¾	6197346	15	9¼	4209368	5	11¾	6481598	5	5	3870071	10	6¾
Do. created in 1803 .	293684	14	7	148320	0	0	170379	13	9	146160	0	0	165626	7	11
Do. . . . . . . 1804 .	-	-	-	46266	9	0	154747	10	0	315593	8	0	321004	14	4½
Do. . . . . . 1805 .	-	-	-	-	-	-	-	-	-	-	-	-	16586	9	2¼
Commissioners for the Reduction of the Public Debt	1056043	12	7½	1043543	12	7½	1122018	12	7½	1109518	12	7½	1128810	13	4¼
Civil List	224500	0	0	224500	0	0	224500	0	0	224500	0	0	224500	0	0
Do. per Act 44 Geo. III.	-	-	-	-	-	-	15000	0	0	15000	0	0	15000	0	0
Courts of Justice . . .	11701	1	2	8603	2	0	25341	7	10	11673	11	0	18487	9	11
Mint	8348	0	0	3450	0	0	4297	2	9	4650	0	0	4844	8	6
Salaries, Allowances, & Incidental Charges	6810	12	0	5294	2	0	6202	10	0	5134	15	0	5973	19	6
Pensions	71466	13	4	71466	13	4	71466	13	4	70466	13	4	70866	13	4
Bounties	-	-	-	2956	13	8	500	0	0	20000	0	0	500	0	0
£.	5885939	6	2¾	7751747	8	4¾	6003743	16	3¾	8404295	5	4½	5842272	6	7¾

Exchequer,
The 6th Day of May, 1805.

James Fisher.

Account of the Consolidated Fund of Great Britain, for the Year ended 5th January, 1805.

INCOME.	£	s.	d.
Net Produce of the Custom Duties . . . . £	4,098,955	5	6¼
Excise.	12,798,540	16	8½
Stamps.	2,866,850	18	2
Incidents	5,233,020	10	10¼
Surplus of Sugar, Malt, and Tobacco, annually granted	1,445,920	7	6
Land Tax and Pension Tax brought from the Years 1799, 1800, 1801, 1802, 1803, and 1804.	1,096,975	4	6½
Arrears of Income Duty for 1799, 1800, 1801	81,048	6	9
Money reserved on Acc. of Nominees, in Tontine, 1789	24,220	8	11½
Arrears of { Additional Assessed Taxes, 1798.	1,496	19	6¼
Arrears of { Land and Malt Duties, prior to 1798. . .	4,311	0	11
Arrears of { Voluntary Contributions	590	17	9
Monies paid into the Treasury by divers Persons, being small Balances due to the Public	250,894	7	2
Imprest Monies	21,031	5	2¼
Money paid by Messrs. Puget and Bainbridge, for Interest, Management, and £. 1 per Cent. on Loans raised in Great Britain for the Service of Ireland, Annis 1797, 1798, 1799, 1800, 1801, and 1802.	913,180	1	4
Total Income of Consolidated Fund, applicable towards paying the Charge existing at 5th January, 1803 . .	28,837,036	10	9½

CHARGE.	Actual Payment out of C. Fund, in the Year ended 5th Jan. 1805. £	s.	d.	Future Ann. Charge upon the C. Fund, as it stood on the 5th Jan. 1805. £	s.	d.
Charge on Account of the Public Debt . . . . £	25,141,373	13	6¾	24,333,961	11	1½
Civil List.—His Majesty's Household	898,000	0	0	898,000	0	0
Do. . . . per Act 44 Geo. III. Cap.	30,000	0	0	60,000	0	0
Courts of Justice.—The Judges of England and Wales, in Augmentation of their Salaries.	18,204	3	11	Uncertain.		
A. Graham, Esq. Inspector of the temporary Places of Confinement of Felons, previous to Transportation. .	350	0	0			
W. Baldwin, Esq. Rec. of the 7 Pub. Offices of Police. .	15,422	13	0			
P. Colquhoun, Esq. Do. of the Thames Police Office . .	7,032	5	0			
Keeper of the Hanaper in Chancery.	3,000	0	0			
John Bedford, Esq. Chief Justice of the Adm. Court in the Island of Barbadoes.	1,000	0	0	2,000	0	0
Henry Moreton Dyer, Esq. . . . . . Do. Bahamas . .	1,000	0	0	2,000	0	0
John Sewell, Esq. . . . . Do. Malta . . .	1,473	8	1	2,000	0	0
Alexander Croke, LL. D. . . . . . . Do. America . .	5,308	10	2½	2,000	0	0
Represents. of John Holland, Esq. . . Do. Jamaica . .	528	1	9½	2,000	0	0
The Sheriffs of England and Wales.	4,000	0	0	4,000	0	0
Mint.—Master of His Majesty's Mint in England . . .	17,250	0	0	13,800	0	0
Receiver of the Fees of the Mint	2,277	2	9	Uncertain.		
Master of His Majesty's Mint in Scotland	1,200	0	0	1,200	0	0
Salaries and Allowances	23,441	19	0	17,950	0	0
Parliamentary Pensions	284,866	13	4	281,366	13	4
Bounties for the Growth of Hemp and Flax in Scotland	2,956	13	8	2,956	13	8
To J. Williams, Esq. Sec. to the Commissioners of Naval Enquiry	500	0	0	Uncertain.		
To R. Clarke, Esq. Chamberlain of the City of London, for the better Improvement of the Port of the City of London	20,000	0	0			
Total Charge created prior to 5th Jan. 1803, as at 5th Jan. 1804.	26,479,185	4	3¼	25,623,734	18	1½

	£.	s.	d.
Duties pro Anno 1803.			
Surplus Duty on Receipts 1803, per Act 43 Geo. III. Cap. 126	45,207	4	7
Duties on Houses and Windows, per Act 43 Geo. III. Cap. 161. to commence from 5th April 1804	96,065	4	8
Reserved out of Consol. Customs, per Act 43 Geo. III. Cap. 68, from 5th July 1803, at £. 62,500 per Qr.	250,000	0	0
Money paid by Messrs. Puget and Bainbridge, for Interest, Management, and £. 1 per Cent. on Loan of £. 2,000,000 for the Service of Ireland	136,549	14	8
Duties pro Anno 1804.			
Surplus of Consolidated Stamp Duties, by Act 44 Geo. III. Cap. 98, to commence from 10th October 1804	442,264	15	3
Money paid by Messrs. Puget and Bainbridge, for Interest, Management, and £. 1 per Cent. on £4,500,000 (Part of £. 14,500,000, raised by Act 44 Geo. III. Cap.) for the Service of Ireland	225,449	1	3
Total Income of Duties 1804. £	667,713	16	6
Do. Do. 1803.	527,822	3	11
Do. Do. at 5th Jan. 1803.	28,837,036	10	9½
Total Income of Consolidated Fund in the Year ended 5th January 1805. £	30,032,572	11	2½

	£.	s.	d.	£.	s.	d.
Debt incurred for £. 12,000,000, raised for the Service of the Year 1803.						
Annuities on £. 9,600,000, at £. 3 per Cent. added to £. 3 per Cent. Cons. Annuities with charge of management.	294,480	0	0	292,320	0	0
Annuities on £. 9,600,000, at £. 3 per Cent. added to £. 3 per Cent. Reduced Annuities with charge of management	409,542	0	0	292,320	0	0
Annuities for 56¾ Years at 6s. 5d. per Cent. added to Long Consolidated Bank Annuities with charge of management.	54,522	8	4	38,933	2	6
Annuities at £. 1 per Cent. on the above Sums, payable to the Commiss. for the Reduction of the National Debt.	195,765	5	7	195,765	5	7
DEBT incurred in respect of £. 14,500,000, raised for 1804						
Annuities on £. 11,890,000, at £. 3 per Cent. added to £. 3 per Cent. Cons. Annuities with charge of management	325,593	8	0	362,050	10	0
Annuities on £. 14,500,000, at £. 3 per Cent. added to £. 3 per Cent. Reduced Annuities with charge of management	154,747	10	0	441,525	0	0
Annuities at £. 1 per Cent. on the above Sums, payable to the Commissioners for the Reduction of the National Debt	151,950	0	0	263,900	0	0
Total of the actual Payments out of, and future Charge upon, the Consolidated Fund, for the Year ended 5th January 1805 £	28,045,785	16	2¾	27,510,548	16	2½

An Account of the net Produce of all the PERMANENT TAXES in GREAT BRITAIN, in taken for Two Years, ending respectively the 5th January 1804 and 5th January 1805.

			In the Years ended					
			5th January 1804.			5th January 1805.		
			£.	s.	d.	£.	s.	d.
Customs		Consolidated, after reserving £. 250,000. per Annum, by Act 43 Geo. III. Cap. 68, from July 1803	3,672,494	19	11	4,059,036	15	7¾
		Quarantine duty	12,983	15	8	17,358	10	7½
		4½*l.* per cent.	27,815	18	9¾	35,135	14	4
		Canal and dock duty	37,784	0	6¼	28,559	19	3
Excise duties consolidated			14,297,313	0	0	12,798,540	16	8½
Stamp duties consolidated, after deducting the surplus of the duty on receipts, anno 1803, as directed by act 43 Geo. III. cap. 126			3,133,368	0	0	2,070,661	0	0
Reserved out of consolidated stamp duties, 3,077,463*l.* 18*s.* per annum, by act 44 Geo. III. cap. 98.; to commence from 10th October 1804			—	—		769,365	19	6
Compositions for stamps per Bank of England			24,000	0	0	24,000	0	0
Licences for selling lottery tickets			5,329	15	10	2,823	18	8
Incidents	Letter money		892,000	0	0	914,000	0	0
	Arrears of duties repealed by act 43 Geo. III. cap. 161.	Houses and windows, after reserving as directed by act 42 Geo. III.	1,809,623	16	0¼	1,407,896	0	0
		Inhabited houses	404,950	16	2¾	452,034	6	6
		Horses for riding, &c.	541,925	1	1¾	418,592	1	0½
		- Do - Husbandry	536,369	4	6¼	387,764	2	2¾
		Male servants	224,822	18	2	208,330	3	4½
		Carriages	291,879	16	11	260,589	13	9½
		Dogs	112,204	0	4½	96,713	9	6¼
	Arrears	10*l.* per cent.	1	1	7	3	6	11
		20*l.* per cent.	416	15	1¾	834	3	8½
		Clocks and watches	99	11	2½	0	2	6
	Hawkers and pedlars		5,269	0	0	7,835	0	0
	Hackney coaches and chairs		26,097	13	6	26,286	0	0
	6*d.* per lib. on pensions		53,166	0	0	61,278	0	0
	1*s.* ditto on salaries		45,056	0	0	51,016	12	4
	Seizures		79,390	11	1¼	63,648	12	4¾
	Proffers		637	0	3	615	3	2
	Compositions		2	10	0	3	0	0
	Rent of alum mines		960	0	0	960	0	0
	Ditto of a lighthouse		6	13	4	6	13	4
	Alienation duty		2,767	15	4	2,934	9	10

	First fruits of the clergy	5,896	7	0	3,205	13	4½
	Tenths of ditto	9,828	4	5½	9,890	12	10
	Fines and forfeitures	60	13	4	556	0	0
	Arrears of waggons	0	2	0	—	—	
Arrears	Hair-powder certificates, anno 1795	45,052	2	9	59,268	19	8
	Horse-dealers' licences, anno 1796	2,388	12	10½	4,089	12	7
	Armorial bearings, anno 1798	21,443	0	11½	31,472	17	10½
Per act 41 Geo. III. cap. 69.	Hair-powder certificates	—	—		3,320	0	0
	Horse-dealers' licences	—	—		160	0	0
	Armorial bearings	—	—		1,620	0	0
Duties granted by act 43 Geo. III. cap. 161. - - on	Reserved out of duty on houses and windows, by act 43 Geo. III. cap. 161. 1,897,896*l.* per annum, to commence from 5th April 1804	—	—		409,000	0	0
	Inhabited houses	—	—		32,300	0	0
	Horses for riding, &c.	—	—		105,382	0	0
	Ditto - Husbandry, and mules	—	—		127,100	0	0
	Male servants	—	—		37,470	0	0
	Carriages	—	—		41,290	0	0
	Dogs	—	—		18,650	0	0
		26,321,874	17	11¼	25,051,599	11	8½

DUTIES PRO ANNO 1803.

Brought from consolidated customs, 250,000*l.* per annum, by act 43 Geo. III. cap. 68.; from July 1803	125,000	0	0	250,000	0	0
Surplus of duty on receipts, anno 1803, per act 43 Geo. III. cap. 126	14,436	17	8	45,207	4	7
- - Ditto - - houses and windows, 1804, after reserving as directed by act 43 Geo. III. cap. 161.; to commence from 5th April 1804	—	—		96,065	4	8
	26,461,311	15	7¼	25,442,872	0	11½

DUTIES PRO ANNO 1804.

Surplus of consolidated stamp duties, after reserving as directed by act 44 Geo. III. cap. 98.; to commence from 10th October 1804		—	—		442,264	15	3
		26,461,311	15	7¼	25,885,136	16	2½
Surplus of duties annually granted, after discharging exchequer bills charged thereon	Sugar, &c.	672,705	7	10¾	522,312	7	6
	Malt	937,407	19	11	755,111	0	0
	Tobacco	156,707	0	0	168,497	0	0
		28,228,132	3	5	27,331,057	3	8½
Duties granted to discharge 2,000,000 exchequer bills annually	Sugar, &c,	1,871,198	10	7¾	1,492,180	6	9¼
	Malt	316,184	0	0	209,617	0	0
	Tobacco	295,233	0	0	279,629	0	0
	£	30,710,747	14	0¾	29,312,483	10	5¾

An Account of the net Produce of the PERMANENT TAXES and the WAR TAXES for the Year ending 5th January, 1805; distinguishing each Quarter, and distinguishing the Produce of the Permanent Taxes and the War Taxes.

			In the Quarters ended												In the Year ending 5th Jan. 1805.		
			5th April, 1804.			5th July, 1804.			10th Oct. 1804.			5th January, 1805.					
			£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs		Consolidated, after deducting £. 250,000 per Annum, by Act 43 Geo. III. Cap 68, from July, 1803	690,983	1	6½	544,318	6	6¾	1,465,708	10	5¼	1,358,026	17	1¼	4,059,036	15	7¾
		Quaratine Duty	2,955	0	9½	3,255	8	6	2,377	18	3	8,770	3	1	17,358	10	7½
		4½*l.* per cent.	10,456	13	6¼	18,885	1	6½	109	11	1¼	5,684	8	2	35,135	14	4
		Canal and dock duty	7,724	1	6	7,799	5	6½	7,447	12	6	5,588	19	8½	28,559	19	3
Excise duties consolidated			2,884,363	0	0	3,307,925	16	8½	3,360,528	0	0	3,245,724	0	0	12,798,540	16	8½
Stamps		Consolidated, after deducting the Suplus of the duty on receipts, 1803, by act 43 Geo. III. cap 126	589,670	0	0	707,647	0	0	773,344	0	0	1,211,630	14	9	3,282,291	14	9
		Compositions for stamps, per Bank of England	6,000	0	0	6,000	0	0	6,000	0	0	6,000	0	0	24,000	0	0
		Licences for selling lottery tickets	-	-	-	-	-	-	-	-	-	2,823	18	8	2,823	18	8
Incidents		Letter Money	225,000	0	0	232,000	0	0	250,000	0	0	207,000	0	0	914,000	0	0
	Arrears of duty repealed by act 43 Geo. III. cap 161.	Houses and Windows	325,313	18	3¾	700,418	8	6½	227,146	4	5½	171,495	6	10¼	1,424,374	1	2
		Inhabited houses	97,881	15	5½	203,173	3	10¼	89,150	5	0¾	61,829	2	1½	452,034	6	6
		Horses for riding, &c.	62,925	5	2½	230,055	10	6½	53,104	18	5½	72,506	9	10	418,592	1	0½
		Do. - husbandry	52,697	5	1¼	211,294	11	3½	59,426	3	9	64,346	2	1	387,764	2	2¾
		Male servants	39,109	1	7½	95,652	0	2	34,838	6	3½	38,730	15	3½	208,330	3	4½
		Carriages	42,441	16	2½	115,153	19	10½	48,739	2	9	54,254	14	11½	260,589	13	9½
		Dogs	14,695	12	10¾	45,584	14	8½	16,271	3	4½	20,161	18	6½	96,713	9	6¼
	Arrears	10*l.* per cent.	0	14	0	2	12	11	-	-	-	-	-	-	3	6	11
		20*l.* per cent.	823	2	1	2	16	10½	8	4	9	-		-	834	3	8½
		Clocks and watches, arrears	-	-	-	0	2	6	-	-	-	-	-	-	0	2	6
		Hawkers and pedlars	1,980	0	0	2,095	0	0	1,950	0	0	1,810	0	0	7,835	0	0
		Hackney coaches and chairs	4,380	0	0	8,086	0	0	7,660	0	0	6,160	0	0	26,286	0	0
		6*d.* per lib. on pensions	10,000	0	0	12,000	0	0	14,000	0	0	25,278	0	0	61,278	0	0
		1*s.* ditto on salaries	9,440	12	4	12,000	0	0	10,000	0	0	19,576	0	0	51,016	12	0
		Seizures	8,181	3	9	15,152	9	8	23,732	17	7¾	16,582	1	4	63,648	12	4¾
		Proffers	16	14	0	576	13	4	11	15	10	10	0	0	615	3	2
		Compositions	-	-	-	3	0	0	-	-	-	-	-	-	3	0	0
		Rent of alum mines	480	0	0	-	-	-	480	0	0	-	-	-	960	0	0
		Ditto a light house	6	13	4	-	-	-	-	-	-	-	-	-	6	13	4
		Alienation duty	2,934	9	10	-	-	-	-	-	-	-	-	-	2,934	9	10
		First fruits of the clergy	-	-	-	3,205	13	4½	-	-	-	-	-	-	3,205	13	4½
		Tenths of ditto	-	-	-	9,890	12	10	-	-	-	-	-	-	9,890	12	10
		Fines and forfeitures	-	-	-	100	0	0	400	0	0	56	0	0	556	0	0

Arrears	Hair powder certificates, anno 1795	8,025	3	6	18,836	9	10½	14,595	15	8	17,811	10	7½	59,268	19	8
	Horse dealers' licences - - 1796	624	9	9½	889	10	7	1,060	3	7½	1,515	8	7	4,089	12	7
	Armorial bearings - - - 1798	6,032	0	8½	8,102	5	8½	7,223	14	3	10,114	17	2½	31,472	17	10½
Hair powder certificates, per act 41 Geo. III. cap. 69		-	-	-	-	-	-	-	-	-	3,320	0	0	3,320	0	0
Horse dealers' licences - ditto		-	-	-	-	-	-	-	-	-	160	0	0	160	0	0
Armorial bearings - ditto		-	-	-	-	-	-	-	-	-	1,620	0	0	1,620	0	0
Duties granted by act 43 Geo. III. cap. 161. - -	Houses and windows	-	-	-	-	-	-	28,500	0	0	460,087	3	6	488,587	3	6
	Inhabited houses	-	-	-	-	-	-	2,900	0	0	29,400	0	0	32,300	0	0
	Horses for riding, &c.	-	-	-	-	-	-	8,300	0	0	97,082	0	0	105,382	0	0
	Ditto and mules	-	-	-	-	-	-	8,500	0	0	118,600	0	0	127,100	0	0
	Male servants	-	-	-	-	-	-	2,200	0	0	35,270	0	0	37,470	0	0
	Carriages	-	-	-	-	-	-	2,300	0	0	38,990	0	0	41,290	0	0
	Dogs	-	-	-	-	-	-	1,400	0	0	17,250	0	0	18,650	0	0
Duties pro Anno 1803.		5,105,141	15	6	6,520,106	15	6	6,529,414	8	2½	7,435,266	12	5	25,589,929	11	7½
Brought from consolidated customs, 250,000*l.* per annum, by act 43 Geo. III. cap. 68		62,500	0	0	62,500	0	0	62,500	0	0	62,500	0	0	250,00	0	0
Surplus of duties on receipts, anno 1803, per act 43 Geo. III. cap. 126		10,133	0	0	11,729	0	0	12,750	0	0	10,595	4	7	45,206	4	7
		5,177,774	15	6	6,594,335	15	6	6,604,664	8	2½	7,508,361	17	0	25,885,136	16	2½
Surplus of duties annually granted, after discharging exchequer bills charged thereon	Sugar, &c.	522,312	7	6	-	-	-	-	-	-	-	-	-	522,312	7	6
	Malt	66,227	0	0	253,228	0	0	422,308	0	0	13,348	0	0	755,111	0	0
	Tobacco	114,319	0	0	34,426	0	0	15,625	0	0	4,127	0	0	168,497	0	0
		5,880,633	3	0	6,881,989	15	6	7,042,597	8	2½	7,525,836	17	0	27,331,057	3	8½
Duties granted to discharge 2,000,000*l.* exchequer bills, pro anno 1804 - -	Sugar, &c. anno 1804	30,908	11	1	231,511	12	8¼	532,828	10	10½	696,931	12	1½	1,492,180	6	9¼
	Malt	-	-	-	-	-	-	18,926	0	0	190,691	0	0	209,617	0	0
	Tobacco	5,161	0	0	105,827	0	0	73,013	0	0	95,628	0	0	279,629	0	0
		5,916,702	14	1	7,219,328	8	2¼	7,667,364	19	1	8,509,087	9	1	29,312,483	10	5¼
WAR TAXES.																
British Spirits, anno 1803		207,135	0	0	230,854	0	0	147,993	0	0	166,111	0	0	752,093	0	0
Foreign Ditto		171,730	0	0	193,379	0	0	211,675	0	0	197,667	0	0	774,451	0	0
Wines		115,625	0	0	72,389	0	0	101,269	0	0	51,009	0	0	340,292	0	0
Goods and Shipping		258,976	2	11¼	343,447	5	7	437,573	15	8	465,069	7	11¾	1,505,066	12	2
Malt		499,051	0	0	835,229	0	0	1,048,394	0	0	583,041	0	0	2,965,715	0	0
Tea		266,161	0	0	31,383	6	6½	337,589	0	0	335,250	0	0	970,383	6	6½
Sweets		1,009	0	0	1,372	0	0	1,247	0	0	330	0	0	3,958	0	0
Property Duty		346,960	0	0	632,193	16	1½	1,393,071	11	5	986,426	2	10	3,358,651	10	5
Ditto, anno 1804		-	-	-	-	-	-	55,000	0	0	95,700	0	0	150,700	0	0
Wines		-	-	-	16,527	0	0	34,799	0	0	34,321	0	0	85,647	0	0
Goods and Shipping		-	-	-	41,053	12	9¼	269,294	14	11¼	201,568	5	3½	511,916	13	0
	£	1,866,647	2	11¼	2,397,828	1	0¼	4,037,906	2	0¼	3,116,492	16	10	11,418,874	2	1½

Account of the Public Expenditure of Great Britain, for the Year ended 5th January, 1805.

I.	Interest & Charges on the permanent Debt of Great Britain, (App. A.)			26,044,785 16 11
II.	The Interest on Excheq. Bills (B.)	- - -	- - -	624,859 18 10
III.	The Civil List (C.)	- - -	928,000 0 0	
IV.	Other Charges on the Consolidated Fund, viz. Courts of justice	- - -	57,319 2 0	
	Mint	- - -	20,727 2 9	
	Allow. to Roy. Fam.	- - -	284,866 13 4	
	Salaries and Allow^s	- - -	23,441 19 0	
	Bounties	- - -	23,456 13 8	
				1,337,811 10 9
V.	Civil Govt. of Scotland (D.)	- - -	- - -	79,705 4 1¼
VI.	Other Payments in Anticipation (E.)			
	Bounties for Fisheries, Manufactures, Corn, &c.	- - -	336,524 0 11	
	Pensions on the Hereditary Rev.	- - -	27,700 0 0	
	Militia and Deserters Warrants, &c.	- - -	286,668 10 6	
	Purchase of Legal Quays	- - -	76,689 12 6	
				727,582 3 11
VII.	Navy; (F.)—Salaries to the Offices	84,000 0 0		
	For Wages, Bounty, Flag, Pay, &c.	1,815,750 0 0		
	For Dock Yards, Building of Ships, &c.	5,184,071 4 9		
	For Marine Service on Shore	262,000 0 0		
			7,345,821 4 9	
	The Victualling Department	- - -	3,279,501 8 4	
	The Sick and Wounded d^o	- - -	277,000 0 0	
	The Transport - d^o			
	For Transports	690,028 12 4		
	For Prisoners of War, in Health	110,000 0 0		
	Miscellaneous Services	57,000 0 0		
			857,028 12 4	
				11,759,351 5 5
VIII.	Ordnance (G.)	- - -	- - -	3,550,141 1 11
IX.	Army.—Ordinary Services; (H.)			
	For Regul. Fenc. Milit. Inval. and Volun. Corps	9,500,000 0 0		
	Barracks	1,786,048 0 0		
	Staff Off. and Off. of Garrisons	289,027 0 0		
	Half Pay	228,000 0 0		
	Widows' Pensions	22,500 0 0		
	Chelsea Hospital	207,963 0 0		
	Exchequer Fees	80,353 0 0		
	Pay of Public Offices	70,000 0 0		
			12,183,891 0 0	
	Extraordinary Services	- - -	3,560,803 15 3	
				15,744,694 15 3
X.	Loans, Remittances, and Advances to other Countries: Ireland (I.)	- - -	- - -	3,733,291 13 4
XI.	Miscellaneous Services; (K.)			
	At Home	- - -	1,628,555 0 3¾	
	Abroad	- - -	253,519 14 5	
				1,882,074 14 8¾
				65,484,298 5 2½
	Deduct Loan for Ireland	- - -	- - -	3,733,291 13 4
			* £.	61,751,006 11 10½

* This includes the Sum of £. 446,885. 9*s*. 3¼*d*. for Interest paid on Imperial Loans.

N. B. The several Items under each Head are stated in the *Appendix* A. B. &c.; which follow.

APPENDIX (A. 1.)—An Account of the Monies paid out of the Receipt of His Majesty's Exchequer, in the Year ending the 5th January, 1805, towards satisfying the Charges of the Public Funded Debt of Great-Britain, Ireland, and Imperial Loans; distinguishing the Total Amount of the Sums applied for Interest, Charges of Management, Sums applicable to its Reduction, and the usual Grants for the same Purpose.

	INTEREST.			Annuities for Lives and for Terms of Years.			Charges of Management.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Permanent Funded Debt of Great-Britain -	16,028,661	16	4¼	1,603,670	14	8½	247,606	8	11¼
Loans raised for the Service of Ireland -	836,140	5	4	16,208	6	8	14,411	4	7
Imperial Loans - - - - -	211,116	3	3	230,000	0	0	5,769	6	0¼
	17,075,918	4	11¼	1,849,879	1	4½	267,786	19	7¼
	1,849,879	1	4½						
	267,786	19	7¼						
£.	19,193,584	5	11						

Towards the Reduction of the Public Debt:

	£.	s.	d.	£.	s.	d.
Annual Issue by 26 Geo. III.	1,000,000	0	0			
Do. - - - 42 Geo. III.	200,000	0	0			
Annuities for Terms of Years expired, prior to 5th July, 1802 - - - -	79,880	14	6			
Annuities for Lives, on which the Nominees are certified to have died prior to 5th July, 1802, or that have been unclaimed for 3 Years	49,376	15	7			
Interest on Debt of Gt.-Brit. redeemed -	2,470,740	3	6			
Do. - - Ireland Do.	51,972	4	8			
Do. - - Imperial Do.	13,962	16	9			
£.	3,865,932	15	0			
Annuity at £. 1 per Cent. on Part of Capitals created since 5th Jan. 1793 - -	2,985,268	16	0			
				6,851,201	11	0
			£.	26,044,785	16	11

APPENDIX (A. 2.)—An Account of the Total Amount of the Sums actually received by the Commissioners for the Reduction of the National Debt, in the Year ending the 5th of Jan. 1805.

	£.	s.	d.	£.	s.	d.
GREAT BRITAIN.						
Annual Issue, by 26 Geo. III. - - - - -	1,000,000	0	0			
Ditto - - by 42 Geo. III. - - - - -	200,000	0	0			
99 and 96 Annuities - - - - - -	54,880	14	6			
Expired and unclaimed Anns. - - - - -	49,376	15	7			
Short Anns. 1777 - - - - - -	25,000	0	0			
Dividends on £. 3 per Ct. Anns. - - - - -	2,366,044	3	6			
Ditto - on £. 4 per Ct. Anns. - - - - -	104,696	0	0			
£. 1 per Ct. per Annum on Part of Capitals created by Loans raised from 1793 to 1804, both inclusive - - - -	2,670,740	16	9			
				6,470,738	10	4
IRELAND.						
£. 1 per Ct. per Annum on Capitals created by Loans raised from 1797 to 1804, both inclusive - - - - -	277,834	19	3			
Dividends on £. 3 per Ct. Anns. - - - - -	51,972	4	8			
				329,807	3	11
IMPERIAL.						
£. 1 per Ct. per Annum on the Capital created by Loan 1797 -	36,693	0	0			
Dividends on Imperial £. 3 per Ct. Anns. - - -	13,962	16	9			
				50,655	16	9
	Total - -		£.	6,851,201	11	0

Office Reduction National Debt,
22d Feb. 1805.

G. T. Goodenough, Sec.

APPENDIX (B.)—An Account of the Interest paid on Exchequer Bills, from the 5th day of January 1804 to the 5th day of January 1805.

				£.	s.	d.
43 Geo. III.	Cap. 5.	Aids	Anno 1803	125,211	5	3
43	Cap. 36.	Supply	1083	179,952	19	9
43	Cap. 93.	Do.	-	126,220	9	3
43	Cap. 146.	Vote of Credit	1803	2,233	6	3
43	Cap. 147.	Supply	1803 Bk. of Engl.	81,164	7	8
44	Cap. 15.	Aids	1804	7,537	2	8
44	Cap. 31.	Further Sum	1804	847	12	3
Paid to the Governor and Company of the Bank of England, on Personal Estates and Malt Tax Acts				101,692	15	9
				£. 624,859	18	10

Exchequer-Bill Office,
6th Feb. 1805.
Examined and certified, W. Pollard, Comptr.

J. Planta.—Jn°· Cudlip.—John Peter.

APPENDIX (C.)—An Account of the Charges upon the Consolidated Fund, in the Year ending 5th Jan. 1805; exclusive of the Interest of the Public Debt, and of the Payments upon Exchequer Bills; distinguishing the same under the several Heads of Civil List, Courts of Justice, &c. Mint, other Salaries and Allowances, and Bounties.

	£	s.	d.
CIVIL LIST.			
For the Support of his Majesty's Household	898,000	0	0
Ditto, by Act 44 Geo. III. Cap. 80. 60,000l. per ann.	30,000	0	0
COURTS OF JUSTICE.			
The Judges of England and Wales, in Augmentation of their Salaries	18,204	0	0
A. Graham, Esq. Inspector of the temporary Places of Confinement of Felons, previous to Transportation	350	0	0
P. Colquhoun, Esq. Receiver of the Thames Police Office	7,032	5	0
W. Baldwin, Esq. Receiver of the 7 Public Offices of Police	15,422	13	0
H. M. Dyer, Esq. Chief Justice of the Admiralty Court in the Island of Bahama, per Act 43 Geo. III.	1,000	0	0
J. Bedford, Esq. do. Barbadoes	1,000	0	0
H. Holland, Esq. late do. Jamaica	523	1	9½
J. Sewell, esq. Chief Justice of do. at Malta	1,473	8	1
Alex. Croke, Esq. do. Nova Scotia	5,308	10	2½
Sheriffs of England and Wales	4,000	0	0
Keeper of the Hanaper in Chancery	3,000	0	0
MINT.			
Master of his Majesty's Mint in England	17,250	0	0
T. Morrison, Esq. Receiver of the Fees and Emoluments in the Office of the Mint	2,277	2	9
Master of his Majesty's Mint in Scotland	1,200	0	0
SALARIES AND ALLOWANCES.			
The Rt. Hon. C. Abbot, Speaker of the House of Commons, to complete his Allowance of 6,000l. per ann.	2,535	9	0
The Marquis of Bute; late one of the Auditors of the Imprest	7,000	0	0
P. Deare, Esq. late a Deputy do.	300	0	0
E. Roberts, Esq. on the yearly Sum of 650l. formerly paid to the Auditor of the Exchequer	650	0	0
J. T. Batt, Esq. Commissioner for auditing the Public Accounts	1,000	0	0
John Martin Leake, Esq. do.	500	0	0
John Erskine, Esq. do.	500	0	0
Hon. B. Bouverie do.	1,000	0	0
Sir C. W. R. Boughton, Bart. do.	1,000	0	0
Salaries in the Office of Clerks of Public Accounts	6,000	0	0
G. Atwood, Esq. Inspector of Certificates in Tontine, Anno 1789	800	0	0
Chief Cashier of the Bank of England, for Fees paid at sundry Public Offices	1,656	10	0
T. Marsham, Esq. Sec. to Commissioners for issuing Exchequer Bills, by Act 35 Geo. III.	500	0	0
PENSIONS.			
His Royal Highness the Prince of Wales	65,000	0	0
Ditto ditto	60,000	0	0
Ditto Duke of York	14,000	0	0
Ditto Clarence	12,000	0	0
Ditto Kent	12,000	0	0
Ditto Cumberland	12,000	0	0
Ditto Sussex	12,000	0	0
Ditto Cambridge	12,000	0	0
Ditto Gloucester	8,000	0	0
Ditto Ditto	9,000	0	0
Her Royal Highness the Duchess of York	4,000	0	0
Earl of Chatham	4,000	0	0
Lord Rodney	2,000	0	0
—— Heathfield	1,500	0	0
Lady Dorchester	1,000	0	0
John Penn, Esq.	3,000	0	0
Richard Penn, Esq.	1,000	0	0
Lord St. Vincent	2,000	0	0
—— Duncan	2,000	0	0
—— Nelson	2,000	0	0
—— Hutchinson	2,000	0	0
Lady Abercrombie	2,000	0	0
Sir William Henry Ashurst	2,000	0	0
Lord Rosslyn	3,000	0	0
Sir Sidney Smith	1,000	0	0
Duke of Richmond	12,666	13	4
Sir John Skinner	500	0	0
Representatives of Arthur Onslow	3,000	0	0
Sir James Saumarez	1,200	0	0
Duke of Portland, for the Prince of Orange	16,000	0	0
Lord Borringdon and others, in Trust for Lord Amherst	3,000	0	0
BOUNTIES.			
For the Encouragement of the Growth of Hemp and Flax in Scotland	2,956	13	8
Richard Clarke, Esq. Chamberlain of the City of London, for the better Improvement of the Port of London	20,000	0	0
William Stevens, Esq. Treasurer of the Governors of the Bounty of Queen Anne, for the Relief of such Curates as may be deprived of their Cures in consequence of an Act 43 Geo. III.	500	0	0
	£. 1,337,811	10	9

Exchequer,
2d March, 1805.

James Fisher.

APPENDIX (D.)—A List of all such Sum and Sums of Money as are incurred, and become due, upon his Majesty's Establishment for CIVIL AFFAIRS within SCOTLAND, bearing Date the 19th Day of June 1761, for One Year, from 5th January 1804 inclusive to 5th January 1805 exclusive. £. 79,705 4 1

APPENDIX (E. 1.)—An Account of the Amount of BOUNTIES paid in England and Scotland, and of the Revenues of Customs and Excise, between the 5th of Jan. 1804 and the 5th of Jan. 1805; being Payments in the Nature of Anticipations of Exchequer Issues.

	England.			Scotland.			Great Britain.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS.									
Bounties on Corn, Cotton, and Linen Manufactures, British and Southern Whale Fishery, New foundland and White Herring Fishery, and Bounty for Encouragement of Volunteer Seamen - - - - - - - - - - - - -	247,667	6	10½	56,388	16	9½	304,056	3	8
EXCISE.									
Bounties on Beer exported - - - - - - -	1,358	4	9	—	—	—	1,358	4	9
—— — British Spirits - - - - - - -	874	19	11¾	—	—	—	874	19	11¾
—— — Fish exported - - - - - - -	17,768	17	2	739	15	4	18,508	12	6
Buss and Barrel Bounties, certified on the Excise, for Deficiency of Money in the Hands of the Receiver Gen. of the Customs - - -	—	—	—	11,726	0	0¼	11,726	0	0¼
£.	267,669	8	9¼	68,854	12	1¾	336,524	0	11

APPENDIX (E. 2.)—GENERAL POST OFFICE.—An Account of Payments from Parliamentary GRANTS for the Year ending 5th January 1805.

	£.
His Grace the Duke of Marlborough - - - - - - - - - - -	5,000
His Grace the Duke of Grafton - - - - - - - - - - - - -	4,700
The Heirs of the late Duke of Scomberg - - - - - - - - -	4,000
	£. 13,700

March 18th 1805.

Examined per THOS. CHURCH,
Deputy Acc. General.

APPENDIX (E. 3.) EXCISE.—An Account, shewing how the PUBLIC MONIES remaining in the Receipt of the Exchequer on 5th of Jan. 1804, together with the Monies paid into the same during the Year ending 5th Jan. 1805, and the Monies paid out of the Net Produce of the Revenues of the said Year, in Anticipation of the Exchequer Receipt, have been actually applied, so far as regards the Receipt of the Excise in England, and can be ascertained at the Excise Office.

		£.	s.	d.	£.	s.	d.
PENSIONS, viz.							
6th Head - - -	Duke of Grafton - - - - - - - - - - - -	9,000	—	—			
	Earl Cowper - - - - - - - - - - - - - -	2,000	—	—			
	Charles Boon, Esq. Moiety of the Earl of Bath's	1,500	—	—			
	Lord Melborne's ditto - - - - - - - - - -	1,500	—	—	14,000	0	0
BOUNTIES, viz.							
	Beer exported - - - - - - - - - - - - -	1,358	4	9			
	British Spirits - - - - - - - - - - - - -	874	19	11¾			
	Salted Provisions - - - - - - - - - - - -	17,768	17	2	20,002	1	10¾
	£.				34,002	1	10¾

Excise Office, London,
13th March, 1805.

J. KEMP,
Accompt. General.

APPENDIX (E. 4.)—An Account of Sums advanced by Receivers General of Land and Assessed Taxes, on Account of MILITIA, Deserters' Warrants, and other Disbursements, under various Acts of Parliament; between 5th Jan. 1804 and the 5th of Jan. 1805.

	£.	s.	d.	£.	s.	d.
Militia	32,078	15	10½			
Deserters' Warrants	893	0	0			
				32,971	15	10½
Defence Acts				17,010	9	5½
Army of Reserve				61,659	10	8
Levy en Masse				917	10	11
Volunteers				141,981	16	10¼
Yeomanry Cavalry				11,512	5	11
Population Act				678	15	5½
Expences under Land Tax Redemption Acts				19,936	5	4¼
Office for Taxes, 20th March, 1805.			£.	286,668	10	6

APPENDIX (E. 5.) An Account of the Sums advanced out of the CONSOLIDATED CUSTOMS, for the Purchase of LEGAL QUAYS; between the 5th Jan. 1804, and 5th Jan. 1805, £. 76,689 12 6.

APPENDIX (F.)—Navy, 20th March, 1805. An Account, shewing the Amount of Monies received from his Majesty's Exchequer, for NAVAL SERVICES, between the 5th of Jan. 1804, and 5th Jan. 1805; distinguishing the Services to which the same has been applied.

	£.	s.	d.	£.	s.	d.
NAVY.						
Salaries to the Admiralty, Navy, and Navy Pay Offices	84,000	0	0			
Wages to Officers and Seamen	1,155,000	0	0			
Bounty to Volunteers, Flag Pay, &c.	350,000	0	0			
Half-pay to Sea Officers, and Bounty to Chaplains	231,750	0	0			
Pensions to Sea Officers, their Widows, &c. and to superannuated Artificers	79,000	0	0			
Wages to his Majesty's Dock and Rope Yards	816,235	0	0			
Building of Ships, Purchase of Stores of every Description, repairing Ships, Purchase of Ships taken from the Enemy, Head Money, &c. paid in Bills at 90 Days' Date	3,757,259	3	8			
Pilotage	29,000	0	0			
Bills of Exchange, Imprests, and Contingencies	572,577	1	1			
Exchequer Fees	9,000	0	0			
Marine Service on Shore, and Half-pay to Marine Officers	262,000	0	0			
				7,345,821	4	9
VICTUALLING.						
Provisions, and all Sorts of Victualling Stores, paid for in Bills at 90 Days' Date	2,563,395	6	2			
Provisions, &c. paid for in Ready Money	55,000	0	0			
Bills of Exchange, and Imprests	436,000	0	0			
Necessary and Extra necessary Money, and Contingencies	88,000	0	0			
Wages to Officers, Workmen, &c. at the several Ports	124,900	0	0			
Widows' Pensions	12,206	2	2			
				3,279,501	8	4
SICK AND WOUNDED.						
Subsistence, Medicine, Bedding, &c. for Sick Seamen	220,000	0	0			
Do. . . . . Prisoners of War	57,000	0	0			
				277,000	0	0
TRANSPORTS.						
Freight of Transports, and for Stores, Subsistence, &c. for Prisoners of War in Health, paid for in Bills at 90 Days' Date	690,028	12	4			
Bills of Exchange, &c.	57,000	0	0			
Subsistence, Clothing, &c. of Prisoners of War in Health, paid for in Ready Money	110,000	0	0			
				857,028	12	4
				£.11,759,351	5	5

H. DUNCAN.——S. GAMBIER.——F. J. HARTWELL.

APPENDIX (G.) An Account of Monies paid by the Office of ORDNANCE, in the Year 1804, for Services at Home and Abroad respectively.

	£.	s.	d.
Services at Home	3,351,583	9	2
Services Abroad	198,557	12	9
Office of Ordnance, 6th March, 1805.	£. 3,550,141	1	11

J. M. HADDON.——W. W. POLE.——C. ASHLEY.

APPENDIX (H.) An Account of Monies paid by the Right Hon. the Paymaster Gen. of his Majesty's FORCES, from 25th Dec. 1803, to the 24th Dec. 1804.

	£.	s.	d.
Pay and Allowances of the Forces, &c. Captains' Allowances, Off-reckonings, Recruiting, Contingencies, Bills, and Clothing . . .	9,5000,000	0	0
Exchequer Fees	80,353	0	0
Garrisons	24,936	0	0
Pay of Officers	70,000	0	0
Staff	264,091	0	0
Barracks	1,786,048	0	0
Half Pay	228,000	0	0
Widows' Pensions	22,500	0	0
Chelsea Hospital	207,963	0	0
Extraordinaries	3,560,803	15	3
Pay Office, Horse Guards, 21st March, 1805.	£.15,744,694	15	3

APPENDIX (I.)—An Account of LOANS, REMITTANCES, and ADVANCES, to other Countries, in the Year ending 5th Jan. 1805; specifying the Total Amount paid to them respectively.

	£.	s.	d.
There was remitted out of Supplies 1804, to that Part of the United Kingdom called Ireland, viz.			
Out of Loan 1804, per Act 44 Geo. III. Cap. 47. - -	3,693,500	0	0
Out of Lotteries 1804, per Act 44 Geo. III. Cap. 93. - -	39,791	13	4
Whitehall, Treasury Chambers, 22d March 1805. W. HUSKISSON.	£3,733,291	13	4

APPENDIX (K.)—An Account, shewing how the Monies remaining in the Receipt of the EXCHEQUER on the 5th Day of Jan. 1804, together with the Monies paid into the same during the Year ending the 5th of Jan. 1805, have been actually applied; so far as relates to MISCELLANEOUS SERVICES; specifying the Amount of Monies paid for Services at Home and Abroad respectively.

SERVICES AT HOME.

	£.	s.	d.
For Repairs of the Marshalsea Prison - -	2,000	0	0
Do. of the King's Bench Prison	2,000	0	0
The Purchase of Land, and the Construction of Buildings, for the Royal Military College -	10,000	0	0
Bounties on taking and bringing Fish to the Cities of London and Westminster, &c. -	5,000	0	0
Expenses attending the Execution of an Act for the Redemption of the Land Tax -	3,374	12	11
Expenses incurred in the Repairs of the Fleet Prison -	2,063	13	1
The French Clergy and Laity, Toulonese, Corsican, and Dutch Emigrants, certain St. Domingo Sufferers, and American Loyalists - -	161,672	13	10
Confining, maintaining, and employing Convicts at Home -	39,447	19	7
The Royal Military Asylum at Chelsea - -	27,000	0	0
Purchase of House for Residence of Clerk of the Journals -	1,281	4	0¼
To complete the Purchase of Buildings for the Accommodation of Parliament -	14,369	4	0
The Charge of the Superintendence of Aliens - -	9,620	0	0
Applied for the Benefit of the illustrious House of Orange -	49,221	10	0
Towards defraying the Expense of making an Inland Navigation from the Eastern to the Western Sea - -	35,000	0	0
Repaying Deposit on 40 Tickets of Lottery 1801, which, from particular Circumstances, became forfeited - -	204	0	0
Reimbursing Dr. Jenner the Amount of the Fees and Charges on the Receipt of the Sum granted him by Parliament - -	725	10	6
To be applied in Support of the Veterinary College -	1,500	0	0
To the Bank of England for Discount on Prompt Payments on Loan £. 12,000,000 -	35,978	16	3
Do. - for receiving the above Loan - -	9,669	10	0
Do. - for receiving Contributions to Lotteries, 1803 -	3,000	0	0
Do. - for Discount on Prompt Payments thereon -	1,534	13	0
Salaries to the Officers, and Incidental Expenses of the Commissioners for reducing the National Debt -	1,961	15	0
John Gray, Esq. for Lottery Incidents, 1803 and 1804 -	5,600	0	0
A Clerk employed on Business relative to American Claims	174	14	0
To the Commissioners for preparing and drawing Lotteries, 1803 . .	6,300	0	0
Additional Rewards to the said Commissioners . .	1,700	0	0
Salaries and Expenses of American Commissioners . .	2,435	9	3
To Officers of the Exchequer, for extra Trouble in making out Exchequer Bills, 1804 .	500	0	0
Defraying the Sums awarded to be paid under the Seventh			

	£.	s.	d.
Article of the Treaty with America	412,000	0	0
To make good Deficiency of Grant 1803, for confining and maintaining Convicts at Home	3,269	2	0
Extraordinary Expences incurred for Prosecutions relating to Coin, 1803	1,609	19	4
Towards enabling the Trustees of the British Museum to carry into Execution the Trusts reposed in them by Parliament	3,000	0	0
Defraying the Charge of Works and Repairs of the Military Roads of North Britain	5,000	0	0
Towards further enabling the Trustees of the British Museum to carry into Execution the Trusts reposed in them by Parliament	8,000	0	0
To be paid to the Officers of the Houses of Lords and Commons	3,905	0	0
To the Executors of the late Sir James Wright, for his Losses sustained as an American Loyalist	4,871	1	4
The Purchase of Lands at Weedon Beck, in the County of Northampton, for erecting Buildings thereon for the Service of the Ordnance	5,531	17	6
Do. at Woolwich and Charlton in Kent, for Do. - Do.	57,066	6	1
Defraying Law Charges, 1804	7,500	0	0
To discharge the Arrears and Debts due and owing upon the Civil List on the 5th Day of July 1804	591,842	3	10½
The Board of Agriculture, 1804	3,000	0	0
Towards Expence of the Public Office Bow Street, 1804	6,115	2	6
Protestant Dissenting Ministers in England and Ireland, and for the Relief of the Poor French Protestant Clergy and Laity, 1804	4,943	1	0
Printing Journals, and Votes of the House of Commons	23,775	3	9
To be paid to Sheriffs for Conviction of Felons, and Overpayments, 1804	3,175	19	5¼
To defray the Extraordinary Expences which may be incurred for Prosecutions, &c. relating to the Coin, 1804	1,000	0	0
The Extra Charge of Contingencies of the Three Secretaries of State, 1804	5,940	0	0
Do. . Messengers . of Do.	1,118	17	0¾
Defraying Expences of the Royal Military College of Chelsea, 1804	10,000	0	0

To replace to his Majesty's Civil List Revenues the Sums issued thereout, pursuant to Addresses of the House of Commons.

	£.	s.	d.
To the Second Clerk Assistant of the House of Commons in the Session 1802-3	1,086	4	0
Rewards to Persons employed in sorting the Public Records	2,525	1	0
The Second Instalment for erecting a Monument to the Memory of Captain Westcot	1,480	18	0
Do. Do. to the Memory of Major General Dundas	1,112	15	0
The last Instalment for Do. to the Memory of Captains Harvey and Hutt	1,112	15	0
The Second Instalment for Do. to the Memory of Captains Moss and Riou	1,480	18	0

To make good to his Majesty's Civil List Revenues Monies issued thereout for Public Services; viz.

	£.	s.	d.
Making a further Provision for the Presbyterian Synods of Ulster and Munster	4,160	13	6
Expenses attending the digesting and abstracting Poor Returns	1,100	0	0
Additional Allowances to Clerks in the Auditor's Office	5,289	18	9
The Furniture of a House in Great George Street, Westminster Office, now occupied by the Commissioners appointed to enquire into Naval Abuses	2,099	19	9
To defray the Expences of a Plan for the more perfect Security of the Shipping in the Port of London	649	4	0
Making up and publishing in the London Gazette, Weekly Returns of the Average Price of Sugar	454	0	0
To pay Fees on passing Public Accounts	3,000	0	0
Thomas Macdonald, Esq. as First Commissioner under the 6th Art. of American Treaty	5,387	4	0
Contingent Expences of the Act for enquiring into Naval Abuses	1,060	10	0
To reimburse Expences incurred in consequence of Orders from the Select Committee of the House of Commons for the Improvement of the Port of London	560	0	0

SERVICES ABROAD.

	£.	s.	d.
His Majesty's Foreign and other Secret Services	156,670	10	0
Maintaining and repairing British Forts and Settlements on the Coast of Africa	18,000	0	0
To pay Bills drawn from New South Wales	23,890	0	0
The Civil Establishment of Bermuda, 1803	290	0	0
Dominica Do.	600	0	0
Upper Canada, 1804	8,050	0	0
Cape Breton	2,040	0	0
Bahama Islands	4,100	0	0
New South Wales	10,049	4	5
Nova Scotia	7,165	0	0
New Brunswick	4,650	0	0
Saint John's	2,300	0	0
Newfoundland	1,715	0	0
Sierra Leone	14,000	0	0
	£. 1,882,074	14	8¼

An Account of the Unfunded Debt and Demands outstanding on 5th of Jan. 1805; under the Heads of Exchequer, Treasury, Army, Barracks, Ordnance, Navy, Civil List Advances, and any other Head of Public Service; specifying the same; distinguishing, under each Head respectively, the Particulars of which such Debt or Demands consisted; and also what part of the said Debt or Demands was then provided for, and in what Manner; and what Part thereof was unprovided for.

By what Acts raised.	Cap.	On what Fund charged.		Amount outstanding. £.	s.	d.	£.	s.	d.
EXCHEQUER BILLS:									
39th and 40th Geo. III.	Cap. 28.	Aids Anno 1806, Extension of Bank Charter		3,000,000	0	0			
43	Cap. 3.	Malt Tax	1803	326,000	0	0			
43	Cap. 36.	Aids	1804	1,000	0	0			
43	Cap. 93.	Ditto		2,463,500	0	0			
43	Cap. 146.	Ditto		1,399,100	0	0			
44	Cap. 15.	Ditto		4,630,900	0	0			
44	Cap. 16.	Malt Tax	1804	750,000	0	0			
44	Cap. 17.	Personal Estates	1804	111,000	0	0			
44	Cap. 31.	Aids	1804	1,903,900	0	0			
44	Cap. 45.	Ditto	1805	5,865,100	0	0			
44	Cap. 46.	Ditto		1,500,000	0	0			
44	Cap. 73.	Ditto	1804	803,000	0	0			
44	Cap. 81.	Ditto	1805	2,500,000	0	0			
							25,253,500	0	0
TREASURY:									
Miscellaneous Services				538,723	0	5¼			
Warrants for Army Services				459,804	16	8			
Treasury Bills accepted previous to and on 5th of January 1805, due subsequent to that day				234,792	16	8			
							1,233,320	13	9
ARMY:									
Ordinary Services				660,240	8	11			
Extraordinary				Nil.					
							660,240	8	11
Barracks							1,015,567	18	7
Ordnance							1,260,480	9	11
Navy							5,001,567	13	10¼
Civil List Advances							35,844	14	0¼
							£.34,460,521	19	0¾

Whitehall, Treasury Chambers,
22d March, 1805.

W. Huskisson.

An Account of the Amount of the Notes of the Governor and Company of the Bank of England in Circulation on the 15th Day of each Month, from December 1803 to 15th February 1805, inclusive;—distinguishing the Notes under Five Pounds.

Amount of Bank of England Notes of Five Pounds each, and upwards, including Bank Post Bills payable Seven Days after Sight.			Amount of Bank of England Notes of 2l. and 1l. each.		
1803.	December 15	£. 12,898,720	1803.	December 15	£. 4,426,670
1804.	January 15	12,744,810	1804.	January 15	4,719,400
	February 15	13,012,480		February 15	4,681,880
	March 15	12,016,530		March 15	4,648,380
	April 15	14,509,670		April 15	4,826,250
	May 15	12,698,940		May 15	4,646,560
	June 15	12,835,990		June 15	4,583,040
	July 15	13,052,010		July 15	4,742,990
	August 15	12,240,810		August 15	4,732,160
	September 15	12,036,150		September 15	4,778,280
	October 15	11,976,950		October 15	4,907,810
	November 15	11,976,530		November 15	4,700,060
	December 15	12,355,310		December 15	4,657,260
1805.	January 15	12,626,220	1805.	January 15	4,772,790
	February 15	13,781,480		February 15	4,729,450

An Account of the Progress made in the REDEMPTION of the PUBLIC FUNDED DEBT Funds, and specifying how much of each has been redeemed by the Commissioners Stocks; and the Sums annually applicable to the Reduction thereof: likewise, the Account of Land-Tax redeemed.

Funds.	Capitals.			Redeemed by Commissrs. from 1st Aug. 1786 to 1st Feb. 1805.	Total Sums paid.		
	£.	s.	d.	£.	£.	s.	d.
Consolidated 3 per Cent. Ann.	336,196,558	4	5¼	34,195,387	21,004,346	16	7
Reduced Do	129,154,625	18	5	45,398,372	27,496,960	0	3
Old South Sea Ann.	24,065,084	13	11½	3,327,600	2,395,896	3	9
New Do. Do.				2,650,000	1,913,448	16	9
3 per Cent. Do. Anno 1751	1,919,600	0	0	673,000	498,651	15	0
	491,335,868	16	9¾	86,244,359			
Consolidated 4 per Cent. Ann.	49,425,084	17	2	2,617,400	2,278,402	1	3
Do. 5 per Cent. Do.	28,125,582	19	7	142,000	126,998	7	6
Additional capital, by act 44 Geo. III. cap. 99	13,263,553	8	9				
5 per Cent Ann. 1797 and 1802, after deducting 13,263,553*l.* 8*s.* 9*d.* added to 5 per Cent. consolidated Ann.	9,088,902	16	3				
3 per Cent. Do. 1726	1,000,000	0	0				
Do. Bank Ann.	11,686,800	0	0				
	603,925,792	18	6½	89,003,759	55,714,704	1	1
Transferred to the Commissrs. by reason of Land Tax redeemed 1st Feb. 1805	21,794,307	17	3				
Debt existing 1st Feb. 1805	582,131,485	1	0¼				
Redeemed by the Commissioners	89,003,759	0	0				
Debt unredeemed 1st Feb. 1805	493,128,726	1	3¾				

An Account of the Progress made in the REDEMPTION of the PUBLIC DEBT of IRELAND Funded in Great-Britain, 1st February, 1805.

Funds.	Capitals.	Redeemed by the Commissrs. to 1st Feb. 1805.	Total Sums Paid.			Average Price of Stocks.	Sums Annually applicable to Reduction of Debt.	
	£.	£.	£.	s.	d.			
3 per Ct. Consol. Ann.	20,769,250	1,004,613	618,286	7	3	61⅝	1 per Cent. on Capitals created	339,259 19
Do. reduced Do.	12,758,750	1,170,486	695,152	3	2	59⅜		
	33,528,000	2,175,099	1,313,438	10	5	60¾	Dividend on £. 2,175,099 at 3 per Cent. Ann.	65,252 19
4 per Ct. Consol. Do.	300,000							
	33,828,000							
Redeemed by Commissrs.	2,175,099							
Unredeemed Feb. 1, 1805.	31,652,901							404,512 18

Exchequer,
1st Day of March, 1805.

JAMES FISHER.

of Great Britain, at 1st February, 1805; distinguishing the Capitals of the several for the Reduction of the National Debt since 1st August, 1786; the Average Price of Annuities to fall in: also, the Capital of Debt transferred to the said Commissioners on

Average Price of Stocks.	Sums Annually applicable to the Reduction of the National Debt.				Annuities fallen in since 22d June, 1802, or that w ill fall in hereafter.			
		£.	s.	d.		£.	s.	d
61½	Annual Charge, by Act 26 Geo. III.	1,000,000	0	0	Exch. Ann. 2 et 3 Annæ, viz. Expired at 5th Apr. 1803	23,369	13	4
60⅚	Ditto, 42 ditto - - -	200,000	0	0	Ditto - - - Jan. 1805	7,030	6	8
72	Annuities for 99 and 96 Years, expired 1792	54,880	14	6	Do. 4 Annæ, exp. Ap. 5, 1805	23,254	11	6
72¼	Annuities for 10 Years, expired 1787 - -	25,000	0	0	Do. 5 do. - - - - 1806	7,776	10	0
74⅛	Life Annuities unclaimed for 3 Years, or of which the Nominees died prior to 5th July, 1802 - - - - -	49,376	15	7	Do. 6 do. - - - - 1807	4,710	10	0
87	Dividend on £. 86,244,259, at 3 per Cent. - - -	2,587,330	15	4	Do. do. - July 5, 1807	10,181	0	0
89¾	Ditto on £. 2,617,400, at 4 per Cent. - - -	104,696	0	0	Bank Long Ann. expire 1860	1,047,494	5	4½
	Ditto on £. 142,000 Navy, at 5 per Cent. - - -	7,100	0	0	Do. Short do. - - - 1808	418,333	0	11
62⅝	Annuity at 1 per Cent. on Part of Capitals created since 1st Feb. 1793 - - - - -	2,807,240	16	9	N. B. By an Act 42 Geo. III. Cap. 71. such Annuities as fall in after passing that Act, are not to be placed to the Account of the Commissioners for the Reduction of the National Debt; but are no longer to be continued in the Annual Charge thereof.			
		6,835,625	2	2				

An Account of the Progress made in the Redemption of the Imperial Debt, 1st February, 1805.

Funds.	Capitals.	Redeemed by the Commissrs. at 1st Feb. 1805.	Total Sums Paid.			Average Price of Stocks.	Sums Annually applicable to the Reduction of Debt.			
	£.	£,	£.	s.	d.			£.	s.	d.
Imperial 3 per Cent.	3,669,300	- - -	-	-	-	- - -				
Redeemed - - -	550,228	550,228	316,595	0	11	57½	1 per Cent. on Capital created	36,693	0.	0
Unredeemed at 1st Feb. 1805 - -	3,119,072						Dividend on £. 550,228 at 3 per Cent. - -	16,506	16	10
							£.	53,199	16	10

Office for Reduction of
National Debt,
he 21st Day of March, 1805.

G. T. Goodenough.

An Account of all the Pensions granted by the Crown, between the 1st May, 1804, and 1st of April, 1805.—Ordered to be printed 20th June, 1805.

Pensions by Sign Manual, payable out of the Civil List.

Dates of Authorities.	Names.	Pensions per Annum. £.	s.	d.
9 May, 1804,	Percy Viscount Strangford and T. Thompson, Esq. in trust for Maria Dowager Viscountess Strangford	300	0	0
Ditto	More to them, in trust for Eliza Maria Strangford, to commence from the Decease of Viscountess Strangford	100	0	0
Ditto	More to them, in trust for Louisa Sarah Strangford, to commence as above	100	0	0
Ditto	Rev. Herbert Marsh	514	0	0
Ditto	Dame Sarah Burdett	100	0	0
Ditto	Priscilla Wilcocke (now deceased)	100	0	0
14 Ditto	Mary Faddy	40	0	0
10 July, ditto,	John Clementson, Esq. (now deceased) pursuant to Address House of Commons of 7th June 1804	386	0	0
8 August	Margaret Catherine Aspinwall	50	0	0
Ditto	Philippa Melusina Aspinwall	50	0	0
23 Ditto	James Abercrombie and Geo. Strahan, Esqrs. in trust for William Dundas, J. F. Dundas, Eliz. Dundas, Isabella Dundas, and Jno. Burnet Dundas, or survivor, Children of David Dundas, Esq.	300	0	0
11 Jan. 1805,	David Dundas and Isabella Dundas, and survivor	300	0	0
28 Ditto	Augusta Brudenell	131	0	0
Ditto	Robert Brudenell	131	0	0
Ditto	Catharine Dent (now Binstead)	50	0	0
Ditto	Cotton Dent	50	0	0
Ditto	Sophia Dent	50	0	0
Ditto	Caroline Dent (now Stanhope)	50	0	0
20 Feb. ditto,	Elizabeth Dalamaine	100	0	0

Late Ministers at Foreign Courts.

Dates of Authorities.	Names.	Pensions per Annum. £.	s.	d.
31 July 1804,	Daniel Hailes, Esq. in lieu of a Pension of £. 800 per Ann. granted him 12th March, 1801	1,127	0	0
1 August	William Lord Auckland whose former contingent Pension of 1,900l. per Ann. had become void	2,300	0	0
7 Sept.	Richard Shepherd, Esq.	250	0	0
11 Oct. 1804,	Charles Lord Whitworth	2,300	0	0
Ditto	Sir James Craufurd	1,000	0	0
Ditto	Sir Richard Worsley, Bart.	600	0	0
31 Ditto	Alleyne Ld St. Helens	2,300	0	0
19 Nov.	Thomas Earl of Elgin	2,000	0	0
1 Feb.	Robert Liston, Esq.	2,000	0	0

Pensions by Patent.

Dates of Authorities.	Names.	Pensions per Annum. £.	s.	d.
13 June 1804.	Right Hon. William Wickham	1,200	0	0
19 Nov.	Rt. Hon. Isaac Corry	1,200	0	0

Pensions granted under the Authority of His Majesty's Order in Council, and placed on the Ordinary Estimate of the Navy.

Dates of Authorities.	Names.	Pensions per Annum. £.	s.	d.
2 May 1804,	George Houseen, Porter of the Admiralty Office	30	0	0
3 Ditto	R. Robinson, one of the Senior Clerks of the Admiralty Office	375	0	0
Ditto	William Gimber, Ditto	337	10	0
12 Ditto	Mary Ann Bruce, Widow of the late S. Bruce, late Architect under the Inspector General of Naval Works	80	0	0
16 Ditto	Alice Waller, Widow of R. Waller, late Pilot of the York, drowned in her	20	0	0
4 June	H. Fishley, Master Shipwright of Jamaica Yard	200	0	0
9 Ditto	Isabella Jones, Widow of the late Lieut. B. Jones, who died in consequence of Wounds	25	0	0
3 July	Hester Mufflett, Widow of J. Mufflett, also a Pilot of the York, drowned in her	20	0	0
9 Ditto	William White, Master Mastmaker of Deptford Yard	150	0	0
14 Ditto	John Kingdom, First Clerk in the Office of the Secretary to the Navy Board	350	0	0
20 Ditto	James Smith, Master Attendant of Plymouth Yard	300	0	0
21 Ditto	Doctor R. T. Blair, in addition to his former Pension	50	0	0
28 Ditto	Francis Collins, wounded while attending the Disembarkation of the Troops in Egypt	2*s.* 6*d.* a day.		
3 August	Mr. W. Seaman, Clerk to the Master Shipwright of Antigue Yd.	65	0	0

Dates of Authorities.	Names.	Pensions per Annum. £.	s.	d.
7 Aug. 1804,	Dr. John Lind, Senior Physician to the Royal Hospital at Haslar	300	0	0
9 Ditto	Mary Dixon, Widow of the late Capt. Dixon, cast away in the Apollo .	100	0	0
10 Ditto	Ed. Sneyd Clay, in consequence of Wounds received while a Lieut.	5*s.* a day.		
22 Ditto	John Woodin, Master Attendant of Gibraltar Yard .	125	0	0
2 October	Charlotte Canes, Widow of the late Capt. E. J. Canes, who was cast away in the Utile	70	0	0
3 Ditto	Mary Epworth, Jane Epworth, Eliz. Epworth, and Harriot Epworth. Daughters of the late Rear Adm. Epworth . .	25 each		
9 Nov.	Ann Maclean, Widow of the late Lieut. Maclean . .	25	0	0
Ditto	John Edwards, a Boatman of Deal Yard .	10	0	0
16 Nov.	Michael Hagan, late Watchman and Under Messenger to the Navy Office .	12	0	0
12 Dec.	Elias Marshall, Master Shipwright of Halifax Yard . .	225	0	0
25 Ditto	Mary Mitford, Widow of Capt. H. Mitford, cast away in the York	100	0	0
5 Jan. 1805,	Richard Lumley, Lieut. lost an Arm in Action	5*s.* a day.		
9 Ditto	Thomas Cole, Lieut. lost a Leg in Action .	5*s.* a day.		
22 Ditto	Benjamin Slade, Master Boatbuilder of Deptford Yard . .	150	0	0
25 Ditto	E. Falkingham, a Clerk in the Navy Office -	375	0	0
28 Ditto	Murdo Robertson, late Master of the Meleager, wounded in Action . .	5*s.* a day.		
Ditto	J. A. Hodgskin, Lieut. wounded in Action .	5*s.* a day.		
14 Feb.	William Brittain, second Clerk to the Master Shipwright of Debtford Yard . .	50	0	0
Ditto	William Frood, Master Sailmaker of Plymouth Yard . .	150	0	0
13 Ditto	James W. Gabriel, Lieut. wounded in Action	5*s.* a day.		
7 March	John Luffman, Second Clerk to the Clerk of the Survey of Portsmouth Yard . .	100	0	0
26 Ditto	Catherine Keppel, Widow of the late Admiral Keppel . . .	100	0	0
Ditto	Louisa Keppel, Daughter of the late Admiral Keppel . .	25	0	0
30 Mar. 1805,	Francis Stephens, one of the Commissioners of the Victualling .	400	0	0

Pensions Payable out of Old Stores.

Dates of Authorities.	Names.	£.	s.	d.
10 Mar. 1804,	Sir William D'Arley .	216	0	0
13 Ditto	Lady Thompson .	150	0	0
15 June	T. Fitzgerald, Clerk in Treasurer's Office .	150	0	0
24 October	Lucy Marsh . .	300	0	0
31 Jan. 1805,	Benjamin Tucker	*1000	0	0
12 Feb.	Frances Jane Elizabeth Courtenay, and Mary Stewart Courtenay, 50l. each . .	100	0	0

Royal Bounties, as approved by his Majesty, payable at the War Office.

Dates of Authorities.	Names.	£.	s.	d.
5 May, 1804,	Mrs. Singleton, Widow of Anketell Singleton, late Lieut. Gov. of Languard Fort .	50	0	0
18 Ditto	Mrs. Maclaurin, Widow of the late Dr. J. C. Maclaurin, Physician to his Maj.'s Forces	50	0	0
30 October	Mrs. Eliz. Fearon, and Mrs. Jane Campbell, Sisters of the late Col. John Campbell, Lieut. Gov. of Plymouth	50 each		

Pension payable out of the Revenue of the Isle of Man.

Dates of Authorities.	Names.	£.	s.	d.
9 Oct. 1804,	A. Shaw, Esq. late Governor of the Isle of Man . . .	300	0	0

Pensions payable out of the Duties of 4½l. per Cent. in Barbadoes and the Leeward Islands.

Dates of Authorities.	Names.	£.	s.	d.
14 May, 1804,	Robert Mitford and John Unwin, Esqrs. in Trust for Mrs. Charlotte Sargent, Wife of John Sargent, Esq. and in Reversion to the said John Sargent	616	0	0
15 Ditto	Miss Letitia Morgan and Miss Fanny Morgan, each 50*l.* . .	100	0	0
16 July	Miss Rosalie Huyghues	91	5	0
11 Jan. 1805,	The Rev. R. Elliott, in Trust for Lady Eleanor Auckland . . .	500	0	0

Pensions granted under the Privy Seal of Scotland.

Dates of Authorities.	Names.	£.	s.	d.
18 May, 1804,	A. Fraser, Esq. in Trust for Eliz. Fraser, Widow, and Wm. Fraser, her Son, and the Survivor . . .	100	0	0

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* This Pension revoked since, and another of 1082*l* in lieu thereof, granted, together with a Reversion of 300*l.* a Year to his Wife in the Event of his Death.

Dates of Authorities.	Names.	Pensions per Annum.		
		£.	*s.*	*d.*
22 Oct. 1804,	William Law, Esq.	200	0	0
Ditto	Helen Dalrymple	50	0	0
Ditto	Margaret Dalrymple	50	0	0
Ditto	Elizabeth Dalrymple	50	0	0
Ditto	Helen Burnett	40	0	0
Ditto	Elizabeth Burnett	40	0	0
Ditto	Christian Burnett	40	0	0
Ditto	Lamont Burnett	40	0	0
Ditto	Dame Mary Dacre Clerk	100	0	0
Ditto	Mrs. Francis Wall	100	0	0
Ditto	Jane Ogilvie	25	0	0
Ditto	Rebecca Ogilvie	25	0	0
Ditto	Mary Ogilvie	25	0	0
Ditto	Kath. Stewart Murray	100	0	0
Ditto	Agnes Scott	100	0	0
Ditto	Rachael Cleghorn	50	0	0
Ditto	Jane Cleghorn	50	0	0
Ditto	Ann Cleghorn	50	0	0
Ditto	W. Adam and J. Chalmers, Esqrs. in Trust for Hugh Cleghorn	50	0	0
Ditto	Ditto, in Trust for Janet Cleghorn	50	0	0
Ditto	Mrs. Jane Baillie	40	0	0
Ditto	Elizabeth Baillie	40	0	0
Ditto	Jane Baillie	40	0	0
Ditto	Louisa Cicil	100	0	0
Ditto	Margaret & Ann Halkett	100	0	0
Ditto	Mary Bruce	100	0	0
Ditto	Margaret Christie	25	0	0
Ditto	Helen Christie	25	0	0
Ditto Ditto	Kath. Margaret Swindell Norwell	100	0	0
Ditto	Betty Murray	50	0	0
Ditto	Louisa Mackay	100	0	0

Dates of Authorities.	Names.	Pensions per Annum.		
		£.	*s.*	*d.*
22 Oct. 1804,	Mary Ann Johnston	60	0	0
Ditto	Janet Anderson	100	0	0
Ditto	Magdaline Goldie	100	0	0
Ditto	James Lapslie	50	0	0
Ditto	C. Hope and D. Williamson, Esqrs. in Trust for Isabella Viscountess Arbuthnot, & Reversion of 150*l.* per Ann. to her two Daughters at her Death	300	0	0
Ditto	Menzies Baillie, Widow	50	0	0
Ditto	Jane Stewart	50	0	0
Ditto	Grace Stewart	50	0	0
Ditto	Ann Stewart	50	0	0
Ditto	Eliza Mac Laurin	100	0	0
Ditto	Marion Maxton	100	0	0
Ditto	Ann Boyd	100	0	0
Ditto	Jane Brown	60	0	0
	Pensions on the Irish Establishment.			
20 Mar. 1805,	Dame Mary Pitt, Wife of the Right Hon. Sir W. Augustus Pitt	600	0	0
Ditto	R. Wynne, Esq. his Executors, Administrators, and Assigns, for the Life of Elizabeth Wynne his Wife, and of his 3 Daughters, Harriet, Emily, and Lucy Wynne, and Survivor	300	0	0
Ditto	T. M'Kenna, Esq. sen. and T. M'Kenna, Esq. jun. and Survivor	300	0	0

Whitehall, Treasury Chambers,
20 June, 1805.

W. Huskisson.

An Account of the Consolidated Fund of Ireland for the Year ended the 5th January 1805; and also the actual Payments thereout, within the said Year, and the total Charge thereon, in respect to the said Year; specifying also the Surplus of the said Consolidated Fund.

	INCOME.					
	£.	s.	d.	£.	s.	d.
Balance on the consolidated fund remaining in the Exchequer on the 5th January 1804	293877	3	7½			
Customs and Excise Duties, including quit rents and payments by dismissed collectors	2837913	—	1½			
Stamp duties, including compensation from the Bank of Ireland, for one year to 25th March 1804	342903	14	10½			
Post-office revenue	42135	—	7½			
Duty on wrought plate	2548	8	7			
Poundage fee	31965	13	—½			
Pells fee	6393	1	11¼			
				3557736	2	10¼
Repayment from Great Britain for seamen's wages advanced by collectors in Ireland	—			60861	10	1
Gain by exchange on sums received from Great Britain	—			107172	19	7¾
Other monies paid to the public	—			20094	16	8
				3745865	9	3
EXTRAORDINARY RESOURCES.						
On account of loans, including 800000*l.* Exchequer bills	—			6124709	12	11
From Great Britain on account of of the profits on lotteries for 1804	—			42250	—	—
			£.	9912825	2	3

	ACTUAL PAYMENTS.			CHARGE.		
	£.	s.	d.	£.	s.	d.
Interest on funded debt, including annuities and management	1971868	4	8¾	2044587	1	1¼
Interest on unfunded debt	95164	14	11	96533	8	3¾
Sinking fund and management	539737	19	1	539737	19	1
Principal of debentures	—			2275	—	—
Principal of Exchequer bills	1700200	—	—	1714008	6	8
Lottery prizes	892	—	—	28676	—	—
Discount on prompt payment of loan deposits, &c.	30009	17	3	30009	17	3
Relief of loyalists	8378	3	3	8378	3	3
Compensation for losses by the union	33456	7	3¾	33456	7	3¾
Inland navigations	42461	12	—¼	42461	12	—¼
	4422168	18	8¼	4540123	15	1
Civil list	162498	1	5	unascertained		
Pensions	128233	13	1¾			
Permanent parliament payments	184784	16	3			
Military purposes	4318420	15	10			
Vote of credit	192962	9	10¾			
Annual grants	239137	2	8			
	9648205	18	—¾	unascertained		
Surplus of the consolidated fund on the 5th January 1805	264619	4	2¼			
£.	9912825	2	3			

Abstract Statement of the PUBLIC INCOME of Ireland, for the Year ending the 5th of

Ordinary Revenues.	Gross Receipt within the Year.			Total Receipt to be accounted for.			Re-payments, Drawbacks, Discounts, &c.			Charges of Management.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	1883722	2	10¾	4614691	8	11⅜	343006	13	5½	358054	—	8½
Excise	1681610	12	8⅜									
Stamps	394537	19	4¾	491167	18	—¼	7272	6	8	27344	4	8¼
Post-office	118429	9	8	141708	18	9½	15752	2	11	63696	13	9
Poundage fees	31965	13	—½	31965	13	—½	—			—		
Pells fees	6393	1	11¾	6393	1	11¾	—			—		
Duty on wrought plate	2548	8	7	2548	8	7	—			—		
Casualties	3503	12	3½	3503	12	3½	—			—		
Total ordinary Revenues	4122711	—	6⅝	5291979	1	7⅞	366031	3	—½	449094	19	1¾
Extraordinary Resources.												
Public coal yards	900	—	—	900	—	—	—			—		
Sundry persons, on ac. of rice, Indian corn, &c. sold for Govt.	6561	2	9½	6561	2	9½	—			—		
Gain by exch. on sums rec. from G.B.	107172	19	7¾	107172	19	7¾	—			—		
Com. of Navy, on ac. of adv. by coll. in Irel. for seamen's wages, &c.	60861	10	1	60861	10	1	—			—		
From G. Br. on ac. of profit on lot. 1804	42250	—	—	42250	—	—	—			—		
Other monies paid to the public	8801	1	7½	8801	1	7½	—			—		
Appropriated Duties for local Objects.												
Linen manufacture	1068	6	6	1234	16	3½	—			—		
Improvement of Dublin	10666	7	9	12141	5	9½	25	3	1	—		
Repairs of Royal Ex. & com. buildings	1485	4	6	1903	7	1½	—			—		
Lagan navigation	2885	13	7	3210	4	9	1282	1	4	80	3	8
Preſbyterian ministers	8904	17	6½	8904	17	6½	—			—		
Total, independent of the loans	4374268	4	6⅞	5545920	7	3⅝	367338	7	4½	449175	2	9¾
Loans paid into the Exchequer	5324709	12	11½	5324709	12	11½	—			—		
Grand Total	9698977	17	6⅜	10870630	—	3⅛	367338	7	4½	449175	2	9¾

NOTES.

	Rates of Collect. per Ct.					
	Gross Rev.			Net Rev.		
	£.	s.	d.	£.	s.	d.
Customs and Excise	10	0	10⅛	11	3	3¼
Stamps	6	18	7½	7	8	11
Post-office	53	15	8	116	7	9

The appropriated balances in the Exchequer, on the 5th of January, 1804, amounted to	£30029 15 11	323976 19 6½	R.
The unappropriated balances in the Exchequer, on the 5th of January, 1804, amounted to	293877 3 7		
The appropriated balances in the Exchequer, on the 5th of January, 1805, amounted to	13621 15 11	278241 — 1¼	
The unappropriated balances in the Exchequer, on the 5th of January, 1805, amounted to	264619 4 2¼		

Jan. 1805. [N. B. *All the annual Accounts of the Treasury are made up to the 5th of Jan.*]

Total Payments out of the gross Revenue.	Net produce applicable to national Objects.	Payments for Militia, Desert. Straggling Sea, A, of Res. and Fortifications. Compensation.	Bounties for Fisheries, Linen Manufac, &c.	Total payments out of the net produce	Payments into the Exchequer.
L. s. d.	*L. s. d.*	*L. s. d.*	*L. s. d.*	*L. s. d.*	*L. s. d.*
701060 14 2	3913630 14 9⅜	50144 2 11	23063 7 5	73207 10 4	2838242 — 1½
34616 11 4¼	456551 6 8	—	—	—	342903 14 10½
79448 16 8	62260 2 1½	—	—	—	42135 — 7½
—	31965 13 —½	—	—	—	31965 13 —½
—	6393 1 11¾	—	—	—	6393 1 11¾
—	2548 8 7	—	—	—	2548 8 7
—	3503 12 3½	—	—	—	3503 12 3½
815126 2 2¼	4476852 19 5⅝	50144 2 11	23063 7 5	73207 10 4	3267691 11 6¼
—	900 — —	—	—	—	900 — —
—	6561 2 9½	—	—	—	6561 2 9½
—	107172 19 7¾	—	—	—	107172 19 7¾
—	60861 10 1	—	—	—	60861 10 1
—	42250 — —	—	—	—	42250 — —
—	8801 1 7½	—	—	—	8801 1 7½
—	1234 16 3½	—	—	—	149 19 8
25 3 —	12216 2 9½	—	—	—	9922 16 11½
—	1903 7 1½	—	—	—	1644 2 5¼
1362 5 —	1847 19 9	—	—	—	1500 — —
—	8904 17 6½	—	—	—	8904 17 6½
816513 10 2¼	4729406 17 1⅜	50144 2 11	23063 7 5	73207 10 4	3516360 2 3¼
—	5324709 12 11½				5324709 12 11¾
816513 10 2¼	10054116 10 —⅞	50144 2 11	23063 7 5	73207 10 4	8841069 15 3

NOTES.

BALANCES.

	Balances in the Hands of the different Collectors.	Balance in the Hands of the Receiver-general.	Bills in the Hands of the Receiver-general.
	L s. d.	*L. s. d.*	*L. s. d.*
5 Jan. 1804 -	664179 2 10⅞	24394 5 0¾	98738 17 11
5 Jan. 1805 -	430677 6 2⅛	—	138196 12 3¾

The amount of the Exchequer bills issued for the public service between the 5th of January 1804 and the 5th of January 1805, and not redeemed within that period, was } *L.* 1800000.

Accountant-general's Office, 28th Feb. 1805.

Account of the PUBLIC EXPENDITURE of IRELAND for the Year ending on the 5th of January 1805.

[*N. B. For the particulars under each head, see the several accounts referred to by the letters A, B, &c.*]

	L.	*s.*	*d.*	*L.*	*s.*	*d.*	*L.*	*s.*	*d.*
SEPARATE EXPENSE OF IRELAND.									
I. For interest on the funded debt of Ireland, including annuities for lives and terms of years; also 1*l.* per cent. for the reduction of the capital created by loans since 1797 (A. 1. and 2.) —	2423773	2	5						
For charge of management thereon — —	–	–	–	20197	13	1¼			
There was also applied, towards the reduction of the national debt, the annual issue of — —	67635	8	4						
	2491408	10	9						
Whereof was applied, towards the reduction of the national debt — — — — —	666829	4	5						
Total on account of interest — — —	1824579	6	4						
Ditto, for charge of management — —	20197	13	1¼						
Ditto, on account of the reduction of the national debt — — — — — — —	666829	4	5	–	–	–	2511606	3	10¼
II. The interest on Exchequer bills (B.) — —	–	–	–	–	–	–	95164	14	11½
III. Issues for purposes appointed by the Parliament of Ireland prior to the union, &c. (C.) —	–	–	–	–	–	–	1815397	19	10½
IV. Issues from appropriated funds for local purposes (D.) — — — — —	–	–	–	–	–	–	38599	16	7½
Total separate Expense — — —	–	–	–	–	–	–	4460768	15	3¾
JOINT EXPENSE WITH GREAT-BRITAIN.									
V. Civil List — — — — —	–	–	–	162498	1	5½			
Pensions — — — — —	–	–	–	128233	13	1¾			
Other permanent charges (E.) — —	–	–	–	184784	16	3½	475516	10	10¾
VI. Payments in anticipation of Exch. receipts, viz.									
Bounties — — — — —	–	–	–	23063	7	5			
Militia, army of reserve, deserters warrants, &c. &c. (F. 1 and 2.) — — —	–	–	–	50144	2	11	73207	10	4
VII. Ordnance (G.) — — — — —	–	–	–	–	–	–	400000	—	—
VIII. Army.—Ordinary service, viz.									
Regulars, militia, and volunteer corps	–	–	–	2771261	2	2			
Barracks — — — —	–	–	–	493228	6	10½			
Staff officers and officers of garrisons	–	–	–	72730	1	7¼			
Half-pay and supernumerary officers, and reduced chaplains — —	–	–	–	37217	5	10¼			
Officers widows — — —	–	–	–	6482	4	9½			
Royal Hospital — — —	–	–	–	41511	12	4¾			
Public officers, their deputies, clerks, and incidental expenses (H.) —	–	–	–	6411	13	1			
				3428842	6	9¼			
Extraordinary services — —	–	–	–	489578	9	1¼	3918420	15	10½
IX. Miscellaneous services (I.) — — —	–	–	–	–	–	–	239137	2	8½
Lastly, Vote of credit (K.) — — —	–	–	–	–	–	–	192962	9	10¾
Total joint Expense — —	–	–	–	–	–	–	5299244	9	8½
Grand Total — —	–	–	–	–	–	–	9760013	5	—¾

(A. 1.) An Account of the Monies paid out of the Receipt of the Exchequer, in the Year ending the 5th January 1805, towards satisfying the Charge of the PUBLIC FUNDED DEBT of IRELAND; distinguishing the total Amount of the Sums applied for Interest, Charge of Management, and the annual Issue for its Reduction.

	Interest and Annuities for Lives and Terms of Years, &c.			Charge of Management.		
	£.	s.	d.	£.	s.	d.
Interest, &c. on the funded debt of Ireland — —	2423773	2	5	20197	13	1¼
	20197	13	1¼			
	2443970	15	6¼			
Annual Issue for the reduction of the national debt —	67635	8	4			
	2511606	3	10¼			

A. 2.) An Account of the total Amount of the Sums actually received by the Commissioners for the REDUCTION of the NATIONAL DEBT, in the Year ending 5th January 1805.

	In Great Britain.			In Ireland.		
	£.	s.	d.	£.	s.	d.
Annual issue — — — — —	—	—	—	67635	8	4
Expired annuities — — — — —	—	—	—	2250	0	0
Appropriation of 1*l.* per cent. per annum on loans since 1797	323169	2	4	146120	2	4½
	323169	2	4	216005	10	8½
Interest on debt of Ireland redeemed — — —	65146	4	0	62508	7	4½
	388315	6	4	278513	18	1
	278513	18	1			
	666829	4	5			

(B.) An Account of the INTEREST on EXCHEQUER BILLS, with the Payments made in the Year from 5th January 1804 to 5th January 1805.

		£.	s.	d.
	There remained unclaimed on the 5th January 1804, interest on Exchequer bills to 24th June 1803 — — — — —	629	3	4¼
	at 6*l.* per cent. per annum.			
Charge for Interest.	On £30000—one year and a half, from 24th June 1803 to 25th Dec. 1804	2700	0	0
	200000—at 5*l.* per ct. per ann. from do. — to 15th May 1804	8890	7	6
	300000—at do. - from do. — to 30th May 1804	13952	—	—
	600000—at do. - from do. — to 24th June 1804	30000	—	—
	100000—at do. - from 24th July to 24th July 1804	5000	—	—
	500000—at do. - from 1st August to 31st July 1804	25000	—	—
	100000—at do. - from 24th July 1804 to 24th Aug. foll.	416	13	4
	100000—at do. - from 24th Aug. 1804 to 25th Dec. foll.	1684	18	7½
	200000—at do. - from 25th do. to do.	3342	9	4
	300000—at do. - from 29th Sept. to do.	3575	6	10
	100000—at do. - from 23d Oct. to do.	863	—	3½
	100000—at do - from 20th Nov. to do.	479	9	—½
		96533	8	3¾
	Deduct interest which remained unclaimed on 5th January 1805 -	1368	13	4¼
	Total payments for interest on Exchequer bills, in the year to 5th January 1805	£95164	14	11½

(C.) An Account of PAYMENTS made for Purposes appointed by the PARLIAMENT of IRELAND prior to the Union, in one Year ending 5th January 1805.

	£.	s.	d.
For relief of suffering loyalists — — — — —	£.8378	3	3½
Compensation for losses by the union — — — —	33456	7	3¾
Inland navigations, grant of 1800 — — — — —	42461	12	—¼
Lottery prizes — — — — — — —	892	—	—
Principal of Exchequer Bills — — — — —	1700200	—	—
Discount on prompt payment of loan deposits, &c. — — —	30009	17	3
	1815397	19	10½

(D.) An Account of Payments made from the Funds appropriated for local Purposes in Ireland, from the 5th January 1804 to the 5th January 1805.

	£.	s.	d.
For Promoting the linen and hempen manufacture	686	6	3
Lagan navigation	997	10	0
Improving the city of Dublin	8,651	10	2½
Repairs of the Royal Exchange and commercial buildings (Dublin)	1,262	13	8½
Voluntary contributions	13,901	1	4½
Presbyterian ministers	13,007	6	4
Fish bounty	93	8	9
	38,599	16	7½

(E) An Account of Payments in the Year to the 5th January 1805, under the several Heads of—Civil List, Pensions, and other Permanent Charges.

	£.	s.	d.	£.	s.	d.
Arrear on the civil list on the 5th January 1804	54,754	18	8½			
Charge for ditto — for One Year to the 25th December 1804	145,000	0	0			
	199,754	18	8½			
Deduct arrear on the 5th January 1805	37,256	17	3			
Issues to the civil list in one year to the 5th January 1805	—	—		192,498	1	5½
Pensions	—	—		128,233	13	1¾
Other permanent charges, viz.						
Public infirmaries	3,825	0	0			
Public coal-yards	3,102	4	4¼			
Army baggage	15,670	18	2½			
Lottery expenses	3,962	19	3			
Police establishment	17,225	19	1½			
Inspector-general of prisons	200	0	0			
Transportation of felons	4,344	5	2			
Fees on auditing Treasury accounts	1,715	19	7			
Imprest-office	2,400	0	0			
Secret service in detecting treasonable conspiracies	7,216	9	10			
Annuities and compensation allowances	93,864	6	2¼			
Judges additional salaries, &c.	30,556	13	7			
Commission of enquiry	700	0	0	184,784	16	3¾
				745,516	10	10¾

(F. 1.) An Account of the Amount of Bounties paid out of the Public Revenue, in the Year ending the 5th January 1805; being Payments in the Nature and Anticipation of Exchequer Receipt.

	£.	s.	d.
On linen exported	11,423	17	4½
Fishing vessels	5,333	13	5
Bark imported	3,777	19	0
Irish coals brought coastways to Dublin	81	18	0
Irish cured fish exported	338	1	2
Irish fish oil exported	46	18	0
Fish imported	864	18	0
Corn exported	1,196	2	5½
	23,063	7	5

(F. 2.) An Account of the Amount of Payments to the Militia, Army of Reserve, Deserters Warrants, &c. &c. in the Year ending the 5th January 1805.

	£.	s.	d.
Militia payments	25,750	3	10
Army of reserve ditto	22,741	10	4
Deserters warrants	873	0	0
Straggling seamens ditto	53	15	3½
Fortification payments	725	13	5½
	50144,	2	11

(G.) An Account of MONIES paid to the Office of ORDNANCE, in the Year to the 5th January 1805.

Payments to the ordnance for the grant of 1804 — —	£. 400000

(H.) An Account of MONIES paid on Account of HIS MAJESTY'S FORCES in IRELAND, in the Year ending the 5th January 1805.

	£.	s.	d.	£.	s.	d.
For Regiments of the line — — — — —	1385566	7	3¾			
Militia — — — — — — —	736468	9	4½			
Volunteer corps — — — — — —	622615	1	0			
Contingencies, &c. for land forces — — — —	1769	0	7¾			
Military hospitals and medicaments — — —	20183	14	4			
Royal military infirmary — — — —	4658	9	6			
				2771261	2	2
Barracks — — — — — — — — — — —				493228	6	10½
Staff officers, and officers of garrisons — — — — — — —				72730	1	7¼
Half pay and supernumerary officers and reduced chaplains — — —				37217	5	10¼
Officers widows — — — — — — — — — —				6482	4	9½
Royal hospital — — — — — — — — — —				41511	12	4¾
Muster-master general, and other public officers, their deputies, clerks, and incidental expenses — — — — — — — — — —				6411	13	1
				3428842	6	9¼
Extraordinaries — — — — —				489758	9	1¼
				3918420	15	10½

(I.) An Account, shewing the PAYMENTS in the Year ending the 5th January, 1805, for MISCELLANEOUS SERVICES.

	£.	s.	d.	£.	s.	d.
To Stephen Moore, Esq. accountant-general, for his expense and trouble in preparing the public accounts laid before Parliament in session 1804	340	0	0			
John Smart, Esq. deputy-accountant-general, for the like — —	240	0	0			
Paul le Bas, Esq. examinator of corn bounties, for keeping the accounts of the said office — — — — — —	200	0	0			
Robert Marshall, Esq. Inspector-general of imports and exports, for his expense and trouble in preparing accounts of imports and exports for Parliament — — — — — — —	250	0	0			
Roger Wetherall, first clerk in the Inspector-general of Imports and Exports Office, for extra trouble in preparing accounts for Parliament	200	0	0			
George Hatton, examinator of excise, for extra trouble and expense in preparing accounts for Parliament — — — —	200	0	0			
Samuel Hood, assistant examinator of excise, for the like — —	150	0	0			
Thomas Haffield, clerk in the office of the Auditor of the Exchequer, for extra trouble in preparing accounts for Parliament — —	200	0	0			
				1780	0	0
The expense of civil buildings in Ireland, for one year to the 5th January 1805 — — — — — —	25000	0	0			
For printing and binding 250 copies of the public general acts of 44th Geo. III. — — — — — — —	900	0	0			
For publishing proclamations and advertisements in the Dublin Gazette and other newspapers — — — — —	7026	9	10½			
For printing, stationary, and other disbursements for several public offices in Dublin Castle — — — — —	20410	0	0			
For Treasury incidents — — — — —	2000	0	0			
For apprehending public offenders — — — —	3237	2	2½			
For criminal prosecution and other law expenses of government —	25000	0	0			
For expense of pratique in the port of Dublin — — —	1047	10	2			
For working his Majesty's gold-mine in the county of Wicklow —	1401	3	5¾			
For clothing battle-axe guards — — — — —	740	0	0			
For clothing his Majesty's heralds, pursuivants at arms, and state trumpeters, for three years from 17th March 1804 — —	1036	0	0			
For the purchase of the palace of the Archbishop of Dublin at Saint Sepulchre's — — — — — —	7000	0	0			
				94848	5	8¾
Carried forward —				96628	5	8¾

	£.	s.	d.	£.	s.	d.
Brought forward				96628	5	8¾
The board of first fruits for building new and repairing old churches, &c.	5000	0	0			
The commissioners for making wide and convenient streets in Dublin	4500	0	0			
The corporation for paving, cleansing, and lighting the streets of Dublin	10000	0	0			
The Dublin society, for promoting Husbandry, and other useful arts	5500	0	0			
More, towards completing additional building at their repository and botanic garden	4500	0	0			
The farming society	2000	0	0			
The linen and hempen manufacture	21600	0	0			
				53100	0	0
The incorporated society for promoting English protestant schools	20129	6	4			
The secretary to the commissioners of charitable donations and bequests	400	0	0			
The association for discountenancing vice	1000	0	0			
The female orphan house near Dublin	1211	17	1¼			
The penitentiary for young criminals in Dublin	1750	0	0			
The foundling hospital in Dublin	22500	0	0			
The hibernian marine society	1937	14	8			
The hibernian school for soldiers children	4500	0	0			
The Westmorland lock hospital in Dublin	6749	13	0			
The fever hospital and house of recovery in Dublin	515	9	3¼			
The house of industry in Dublin	18399	16	1			
The Roman catholic seminary	8000	0	0			
The lying-in hospital Dublin	2315	0	6			
				89408	16	11½
				239137	2	8¼

(K.) An Account of the Amount of Payments from the Vote of Credit, in the Year ending the 5th January 1805.

Amount of Payments for Vote or Credit (see Account of Distribution thereof) - £. 192962 9 10¼

(1) An Account of the Value of all Imports into and all Exports from Ireland, for the Year ending 5th January 1805; Distinguishing the Value of Irish Produce and Manufactures Exported from the Value of Foreign Articles Exported; together with the Difference between the Official Value and the Real Value of Irish Produce and Manufactures Exported in the Year ending 5th January 1805.

		£.	s.	d.	£.	s.	d.
Official Value of Imports					5718945	3	4
Official Value of Exports.	Irish Produce and Manufactures	£. 4902914	11	10			
	British and Foreign Articles	160158	9	10			
					5063073	1	8

Note.—The Account of the Real Value of Irish Produce and Manufactures, Exported in the Year ending 5th January 1805, cannot be now returned, as the Average Rates of all Ireland are not yet ascertained.

(2.)—An Account of the Number of Vessels, with the Amount of their Tonnage, which have been Built and Registered in the several Ports of Ireland, between the 5th of January 1804 and the 5th January 1805.

Number of Vessels.	Amount of Tonnage.
36	1547 Tons.

(3.)—An Account of the Number of Vessels, with the Amount of their Tonnage, and Number of Men and Boys usually employed in Navigating the same, which belonging to the several Ports of Ireland, on the 30th of September 1804.

Vessels.	Tons.	Men.
1061	58060	5176

An Account of the UNFUNDED DEBT of IRELAND, and Demands outstanding, on the 5th January, 1805; under the Heads of Loan Debentures, Exchequer Bills, Lottery Prizes, and Loan from Great Britain for paying the Prizes of the Irish Lotteries of 1801: distinguishing, under each Head respectively, the Particulars of which such Debt or Demand consisted, and also what Part of the said Debt or Demand was then provided for, and in what Manner; and what Part thereof was unprovided for.

	£.	s.	d.	£.	s.	d	£.	s.	d.
Loan Debentures:									
Residue of debentures bearing 4*l.* per cent. interest to the year 1788, provided for by 27 and 28 Geo. III. but not claimed by the proprietors; viz.									
Old loan - - -	- - - -			275	0	0			
Loan by lottery 1780 - -	- - - -			1250	0	0			
Loan by lottery 1781 - -	- - - -			750	0	0			
							(a) 2275	0	0
Exchequer Bills:									
Outstanding Exchequer bills, provided for by several acts of parliament, but not claimed by the proprietors; viz.									
Payable 24 June - 1783 - -	8	6	8						
24 June - 1790 - -	50	0	0						
24 June - 1791 - -	100	0	0						
24 June - 1795 - -	300	0	0						
25 Dec. - 1798 - -	400	0	0						
24 June - 1801 - -	100	0	0						
24 June - 1802 - -	100	0	0						
25 March 1803 - -	12750	0	0						
				(a) 13808	6	8			
Exchequer Bills not in course of Payment till after 5th January, 1805:									
38 Geo. III. payable 25 March 1806 (b)	30000	0	0						
44 Geo. III. Payable on or before 24 Aug. 1805 -	100000	0	0						
- - - - - - - - 25 Aug. 1805 -	200000	0	0						
- - - - - - - - 29 Sep. 1805 -	300000	0	0						
- - - - - - - - 25 Oct. 1805 -	100000	0	0						
- - - - - - - - 20 Nov. 1805 -	100000	0	0						
				830000	0	0	843808	6	8
Lottery Prizes:									
Outstanding lottery prizes of the several lotteries, from the year 1782 to the year 1801 - - - - - - -							27784	0	0
Loan from Great Britain, for paying the prizes of the Irish lotteries 1801.							299000	0	0
Total -							1172867	6	8

(a) Provision has been made for these sums by several acts of parliament.
(b) To be provided for by the Grand Canal Company, to whom they were issued.
The remaining sums to be provided for.

An Account of the PUBLIC FUNDED DEBT of Ireland, as the same stood on the 5th of January the different Funds in which it is invested—the Amount of the Capital Stock of each Fund—Dublin respectively—the Charge of Management—and the Annual Charge for the Reduction

By what Acts created.	Sums raised.	Payable in DUBLIN:			Payable in		
		3*l.* 10*s.* per Cent. per Ann.	4*l.* per Cent. per Ann.	5*l.* per Cent. per Ann.	5*l.* per Cent. per Ann. (British Currency.)	3*l.* per Cent. Consol. An. (British Currency)	3*l.* per Cent. Red. Ann. (British Currency.)
	L.	*L.*	*L.*	*L.*	*L.*	*L.*	*L.*
13 Geo. III. — —	265000	—	—	—	—	—	—
15 Geo. III. — —	175000	—	—	—	—	—	—
17 Geo. III. — —	300000	—	—	—	—	—	—
25 Geo. III. — —	—	—	—	—	—	—	—
27 Geo. III. — —	200000	200000	—	—	—	—	—
28 Geo. III. — —	918240	918240	—	—	—	—	—
27, 29, and 31 Geo. III.	174600	—	174600	—	—	—	—
33 Geo. III. — —	200000	—	—	200000	—	—	—
Vote of credit, 11 June 1793	150000	—	—	150000	—	—	—
34 Geo. III. — —	1029650	—	—	487983	500000	—	—
35 Geo. III. — —	1591666	—	—	400000	1100000	—	—
36 Geo. III. — —	640000	—	—	640000	—	—	—
Vote of credit, 18 Oct. 1796	325000	—	—	—	300000	—	—
37 Geo. III. — —	2018700	—	—	635000	—	1875000	750000
38 Geo. III. — —	3424376	—	—	2054950	—	3000000	1000000
39 Geo. III. — —	5261000	—	—	2011000	—	3750000	1500000
40 Geo. III. — —	4666666	—	—	2500000	—	2200000	940000
41 Geo. III. — —	2750319	—	—	41985	—	3125000	1268750
42 Geo. III. — —	3791666	1770232	—	—	—	1300000	1200000
43 Geo. III. — —	2166666	—	—	—	—	1600000	1600000
44 Geo. III. — —	6125000	—	—	1404531	—	3690000	4500000
BANK OF IRELAND.							
22 and 37 Geo. III. —	600000	—	—	600000	—	—	—
37 Geo. III. — —	500000	—	—	500000	—	—	—
	37273652	2888472	174600	11625450	1900000 Irish Currency: 2058333	20540000 Irish Currency: 22251666	12758750 Irish Currency: 13821979

N. B. For want of room the shillings, pence, and farthings, are left out all through this account.

Total Principal Debt, on the 5th

1805; distinguishing the Years in which each Part thereof was created; distinguishing also the Annual Interest and Annuities, and the several Portions thereof payable in London and of the said Debt.

LONDON:		Annual Interest.	Annuities on Lives & Terms of Years.	Charge of Management.	Annual Charge for Redemption of National Debt.		Total of Annual Expense.
5*l.* per Cent. Consol. Ann. to commence from 5 Jan. 1808 (British Cur.)	4*l.* per Cent. Consol. Ann. (British Cur.)				Pursuant to Act 37 Geo. III. for Redemption of Debt then existing.	By Acts providing 1*l.* per Cent. for Redemption of Debts created since 1797.	
L.	*L.*	*L.*	*L.*	*L.*	*L.*	*L.*	*L.*
— —	— —	—	15900 10500 22500	517	— —	(Life Ann.)	49417
— —	— —	—	—	—	2250	(Expired An.)	2250
— —	— —	39138	—	—	— —	— —	39138
— —	— —	6984	—	—	— —	— —	6984
— —	— —	17500	—	—	— —	— —	17500
— —	— —	51482	10296	346	— —	— —	62125
— —	— —	79583	18058	655	— —	— —	98297
— —	— —	48250	23437	319	— —	— —	72007
— —	300000	130062	5281	1307	67635	38714	243001
— —	— —	232747	5326	1820	— —	64466	304360
— —	— —	271175	—	2369	— —	76875	350419
— —	— —	227050	—	1439	— —	59016	287505
— —	— —	144896	—	2053	— —	47598	194548
139250	— —	143208	—	1186	— —	46294	190688
— —	— —	104000	6951	1630	— —	35346	147928
— —	— —	336401	—	3992	— —	102770	443164
— —	— —	30000	—	—	— —	— —	30000
— —	— —	25000	18125	—	— —	5000	48125
				*3092	— —	— —	3092
139250 Irish Currency: 150854	300000 Irish Currency: 325000 150854 13821979 22251666 2058333 11625450 174660 2888472	1887479	136376	20731	69 85	476082	2590554
January 1805 —	—53296356						

* Management on so much of the debt payable in Dublin as has been converted into stock, transferable at the Bank of Ireland. The remainder is not chargeable with management.

An Account, shewing how the Monies granted for the Service of the Year 1804, for Ireland, have been disposed of; distinguished under the several Heads; stated in Irish Currency.

SERVICES.				Sums granted.			Sums paid.			Remains.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Forces:												
Army with garrisons and their incidents (1161168l. 2s. 11d. British)	1257932	3	1									
Augmentation of the forces (70000l. British) —	75833	6	8									
The Queen's German regiment (22849l. 17s. 6d. British) —	24754	0	7									
Allowance to non-commissioned officers and private-men for smallbeer, and while on a march, (68613l. British) part of 108464l. 9s. 3d. British —	74330	15	0									
On account of the recruiting service and contingent expenses of the regular forces (93230l. 15s. 5d British, part of 98635l. 12s. 2d. British) — —	101000	0	0									
				1533850	5	4	1392341	19	10	141508	5	6
Militia, (640657l. 17s. British) —	694046	0	0									
Contingencies for embodied militia 11129l. 7s. British —	12056	15	10									
Allowance to non-commissioned officers and private-men, for small beer, and while on a march (39851l. 9s. 3d. British,) part of 108464l 9s. 3d. British	43172	8	4									
				749275	4	2	736468	9	4½	12806	14	9½
Volunteer corps, (1290567l. 13s. 11d. British) —				1398115	0	0	622615	1	0	775499	19	0
Recruiting, contingencies, &c. (5404l. 16s. 9d. British, the residue of 98635l. 12s. 2d. British, after deducting 93230l. 15s. 5d. British, placed to the head of army) — — —				5855	4	10	1769	0	7¾	4086	4	2¼
General staff officers, including the permanent allowances of the medical board (61037l. 3s. 9d. British — — —				66123	12	4½	65954	9	1	169	3	3½
Supernumerary officers of his majesty's forces (934l. 6s. 5d. British) — —				1012	3	7	1012	3	7			
Muster master general, and other principal officers of several public departments, their deputies, clerks, and contingent expenses (8844l. 14s. 3d. British) — — —				9581	15	5¼	6411	13	1	3170	2	4¼
½ Pay officers, and reduced chaplains (44215l. 12s. 5d. British) — —	47900	5	1									
Military allowances to reduced officers of the land forces (665l. 8s. 6d. British) —	720	17	6									
				48621	2	7	36205	2	3¼	12416	0	3¾
In. and out, pensioners of the royal hospital near Kilmainham (45241l. 2s. 1d. British) —				49011	3	11½	41511	12	4¾	7499	11	6¾
Pensions to the widows of officers of the land forces, and expenses attending the same (6000l. British)				6500	0	0	6482	4	9½	17	15	2½
Barrack department (461887l. 6s. 10d British) —				500377	19	0	493228	6	10½	7149	12	1½
General hospital expenses, and the charge of the royal military infirmary in Dublin (23538l. 9s. 3d. British) — — —				25500	0	0	24842	3	10	657	16	2
Extraordinary services of the army (600000l. British)				650000	0	0	489578	9	1¼			
Office of ordnance (304615l. 7s. 8d. British) — —	330000	0	0									
										160421	10	10
Carried forward —												

An Account, shewing how the Monies granted for the Service of the Year 1804, for Ireland, have been disposed of; distinguished under the several Heads; stated in Irish Currency.—*(Continued)*

SERVICES—*Continued.*	Sums granted.			Sums paid.			Remains.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Forces:									
Brought forward — —									
More to replace a like sum, advanced by the Exchequer in Ireland (from the vote of credit) for ordnance services to the 31st December, 1803, beyond the grant of parliament for the said year (64615l. 7s. 8d. British) — — 70000 0 0									
	400000	0	0	400000	0	0			
Vote of credit, to enable his majesty to take such measures as the exigency of affairs may require	800000	0	0	192962	9	10¾	607037	10	1¼
For paying off and discharging treasury bills, due in the year 1804 — — —	1700000	0	0	1700000	0	0			
Public Officers for several Services:									
Accountant-general — — —	340	0	0	340	0	0			
Deputy-accountant-general — —	240	0	0	240	0	0			
Examinator of corn bounties — —	200	0	0	200	0	0			
Inspector-general of imports and exports —	250	0	0	250	0	0			
First clerk to ditto — — —	200	0	0	200	0	0			
Examinator of excise — — —	200	0	0	200	0	0			
Assistant examinator of excise — —	150	0	0	150	0	0			
Clerk in the office of the auditor of the exchequer	200	0	0	200	0	0			
Miscellaneous Services:									
Civil Buildings — — —	25000	0	0	25000	0	0			
Printing and binding 250 copies of the Public General Acts of 44th Geo. III. — —	900	0	0	900	0	0			
Publishing proclamations and advertisements in the Dublin Gazette and other newspapers —	7026	9	10½	7026	9	10½			
Printing, stationary, and other disbursements, for several public offices in Dublin Castle —	20410	0	0	20410	0	0			
Treasury incidents — — —	2000	0	0	2000	0	0			
Apprehending public offenders — —	5000	0	0	3237	2	2½	1762	17	9½
Criminal prosecutions and other law expenses of government — — — —	25000	0	0	25000	0	0			
Expense of pratique in the port of Dublin —	1047	10	2	1047	10	2			
Working his Majesty's gold mine in the county of Wicklow — — —	1401	3	5¼	1401	3	5¾			
Cloathing battle axe guards — —	740	0	0	740	0	0			
Cloathing his Majesty's heralds pursuivants at arms, and state trumpeters, for three years, from 17th March, 1804 — — —	1086	0	0	1086	0	0			
The purchase of the Palace of the Archbishop of Dublin, at Saint Sepulchre's — —	7000	0	0	7000	0	0			
Public Boards:									
Board of First Fruits, for building new and repairing old churches, &c. — — —	5000	0	0	5000	0	0			
Commissioners for making wide and convenient streets in Dublin — — —	4500	0	0	4500	0	0			
Corporation for paving, cleansing, and lighting the streets of Dublin — — —	10000	0	0	10000	0	0			
The Dublin Society for promoting husbandry and other useful arts — — —	5500	0	0	5500	0	0			
Carried forward —									

An Account shewing how the Monies granted for the Service of the Year 1804, for Ireland, have been disposed of; distinguished under the several Heads; stated in Irish Currency.—*(Continued.)*

SERVICES—*Continued.*	Sums granted.			Sums paid.			Remains.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Public Boards:									
Brought forward									
More towards completing additional buildings, &c. at their Repository and Botanic Garden	4500	0	0	4500	0	0			
Farming Society	2000	0	0	2000	0	0			
Linen and hempen manufacture	21600	0	0	21600	0	0			
Public Hospitals and Schools:									
Incorporated Society for promoting English Protestant Schools	20129	6	4	20129	6	4			
Secretary to the Commissioners of Charitable Donations and Bequests	400	0	0	400	0	0			
Association for discountenancing Vice, and promoting the Knowledge and Practice of the Christian Religion	1000	0	0	1000	0	0			
Female Orphan House, near Dublin	1211	17	1¼	1211	17	1¼			
Penitentiary for young Criminals, in Dublin	1750	0	0	1750	0	0			
Foundling Hospital, in Dublin	22500	0	0	22500	0	0			
Hibernian Marine Society	1937	14	8	1937	14	8			
Hibernian School for Soldiers' Children	4500	0	0	4500	0	0			
Westmorland Lock Hospital, in Dublin	7227	0	0	6749	13	0	477	7	0
Fever Hospital and House of Recovery, in Dublin	515	9	3½	515	9	3½			
House of Industry, in Dublin	18399	16	1	18399	16	1			
Roman Catholic Seminary	8000	0	0	8000	0	0			
Lying-in Hospital, Dublin	2315	0	6	2315	0	6			
	8185200	18	9¼	6450520	8	5¾	1734680	10	3½

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